



Senate

General Assembly

File No. 503

February Session, 2004

Substitute Senate Bill No. 604

Senate, April 7, 2004

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND CERTAIN PUBLIC ACTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Nothing in sections 1-1d, 3-94b to 3-94e, inclusive, 7-6, 7-51, 7-53, as
4 amended, 7-54, as amended, 7-172, as amended, 9-12, as amended, 10a-
5 207, 14-14, 14-36, as amended, 14-40a, as amended, 14-41, as amended,
6 14-44, as amended, 14-61, 14-73, 14-214, 14-276, 17a-1, 17a-152, 17b-75,
7 17b-81, 17b-223, [17b-748,] 17b-745, as amended, 18-73, 18-87, as
8 amended, 19a-512, 20-10, 20-130, 20-146, 20-188, 20-213, 20-217, 20-236,
9 20-250, 20-252, 20-270, 20-291, as amended, 20-316, as amended, 20-361,
10 20-590, as amended, 20-592, 26-38, 29-156a, 30-1, as amended, 30-45, as
11 amended, 30-86a, as amended, 31-222, 38a-482, 38a-609, 38a-633, 38a-
12 786, 45a-263, 45a-502, 45a-504, 45a-606, 45a-754, 46b-129, as amended,
13 46b-215, as amended, 52-572, 53-304, 53-330, 53a-70 or 53a-87 shall

14 impair or affect any act done, offense committed or right accruing,
15 accrued or acquired, or an obligation, liability, penalty, forfeiture or
16 punishment incurred prior to October 1, 1972, and the same may be
17 enjoyed, asserted and enforced, as fully and to the same extent and in
18 the same manner as they might under the laws existing prior to said
19 date, and all matters civil or criminal pending on said date or
20 instituted thereafter for any act done, offense committed, right
21 accruing, accrued [,] or acquired, or obligation, liability, penalty,
22 forfeiture [,] or punishment incurred prior to said date may be
23 continued or instituted under and in accordance with the provisions of
24 the law in force at the time of the commission of [said] such act done,
25 offense committed, right accruing, accrued [,] or acquired, or
26 obligation, liability, penalty, forfeiture or punishment incurred.

27 Sec. 2. Section 4-141 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective from passage*):

29 As used in this chapter: "Claim" means a petition for the payment or
30 refund of money by the state or for permission to sue the state; "just
31 claim" means a claim which in equity and justice the state should pay,
32 provided the state has caused damage or injury or has received a
33 benefit; "person" means any individual, firm, partnership, corporation,
34 limited liability company, association or other group, including
35 political subdivisions of the state; "state agency" includes every
36 department, division, board, office, commission, arm, agency and
37 institution of the state government, whatever its title or function; [,]
38 and "state officers and employees" includes every person elected or
39 appointed to or employed in any office, position or post in the state
40 government, whatever such person's title, classification or function
41 and whether such person serves with or without remuneration or
42 compensation, including judges of probate courts and employees of
43 such courts. In addition to the foregoing, "state officers and employees"
44 includes attorneys appointed as victim compensation commissioners,
45 attorneys appointed by the Public [Defenders] Defender Services
46 Commission as public defenders, assistant public defenders or deputy
47 assistant public defenders [,] and attorneys appointed by the court as

48 special assistant public defenders, the Attorney General, the Deputy
49 Attorney General and any associate attorney general or assistant
50 attorney general, any other attorneys employed by any state agency,
51 any commissioner of the Superior Court hearing small claims matters
52 or acting as a fact-finder, arbitrator or magistrate or acting in any other
53 quasi-judicial position, any person appointed to a committee
54 established by law for the purpose of rendering services to the Judicial
55 Department, including, but not limited to, the Legal Specialization
56 Screening Committee, the State-Wide Grievance Committee, the Client
57 Security Fund Committee [,] and the State Bar Examining Committee,
58 any member of a multidisciplinary team established by the
59 Commissioner of Children and Families pursuant to section 17a-106a,
60 and any physicians or psychologists employed by any state agency.
61 "State officers and employees" shall not include any medical or dental
62 intern, resident or fellow of The University of Connecticut when (1) the
63 intern, resident or fellow is assigned to a hospital affiliated with the
64 university through an integrated residency program, and (2) such
65 hospital provides protection against professional liability claims in an
66 amount and manner equivalent to that provided by the hospital to its
67 full-time physician employees.

68 Sec. 3. Section 4-165 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective from passage*):

70 No state officer or employee shall be personally liable for damage or
71 injury, not wanton, reckless or malicious, caused in the discharge of his
72 duties or within the scope of his employment. Any person having a
73 complaint for such damage or injury shall present it as a claim against
74 the state under the provisions of this chapter. For the purposes of this
75 section, "scope of employment" shall include, but not be limited to,
76 representation by an attorney appointed by the Public Defender
77 Services Commission as a public defender, assistant public defender or
78 deputy assistant public defender or an attorney appointed by the court
79 as a special assistant public defender of an indigent accused or of a
80 child on a petition of delinquency, representation by such other
81 attorneys, referred to in section 4-141, of state officers and employees

82 [] in actions brought against such officers and employees in their
83 official and individual capacities, the discharge of duties as a trustee of
84 the state employees retirement system, the discharge of duties of a
85 commissioner of the Superior Court hearing small claims matters or
86 acting as a fact-finder, arbitrator or magistrate or acting in any other
87 quasi-judicial position, and the discharge of duties of a person
88 appointed to a committee established by law for the purpose of
89 rendering services to the Judicial Department, including, but not
90 limited to, the Legal Specialization Screening Committee, the State-
91 Wide Grievance Committee, the Client Security Fund Committee and
92 the State Bar Examining Committee; provided such actions arise out of
93 the discharge of the duties or within the scope of employment of such
94 officers or employees. For the purposes of this section, members or
95 employees of the soil and water district boards established pursuant to
96 section 22a-315 shall be considered state employees.

97 Sec. 4. Subsection (h) of section 7-147b of the general statutes, as
98 amended by sections 210 and 235 of public act 03-6 of the June 30
99 special session, is repealed and the following is substituted in lieu
100 thereof (*Effective from passage*):

101 (h) The form of the ballot to be mailed to each owner shall be
102 consistent with the model ballot prepared by the Historic Preservation
103 Council of the Connecticut Commission on Arts, Tourism, Culture,
104 History and Film established pursuant to section 10-320b, as amended.
105 The ballot shall be a secret ballot and shall set the date by which such
106 ballots shall be received by the clerk of the municipality. The ballots
107 shall be mailed by first class mail to each owner eligible to vote in such
108 balloting at least fifteen days in advance of the day on which ballots
109 must be returned. Notice of balloting shall be published in the form of
110 a legal advertisement appearing in a newspaper having a substantial
111 circulation in the municipality at least twice, at intervals of not less
112 than two days, the first not more than fifteen days [nor] or less than ten
113 days and the last not less than two days before the day on which the
114 ballots must be returned. Such ballot shall be returned to the municipal
115 clerk, inserted in an inner envelope which shall have endorsed on the

116 face thereof a form containing a statement as follows: "I, the
117 undersigned, do hereby state under the penalties of false statement
118 that I am an owner of record of real property to be included in the
119 proposed historic district and that I am, or my predecessors in title
120 were, liable to the municipality for taxes on an assessment of not less
121 than one thousand dollars on the last grand list of the municipality of
122 real property within the district, or who would be or would have been
123 so liable if not entitled to an exemption under subdivision (7), (8), (10),
124 (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or
125 (49) of section 12-81." Such statement shall be signed and dated. Any
126 person who intentionally falsely signs such ballot shall be guilty of
127 false statement as [defined] provided in section 53a-157b. The inner
128 envelope, in which the ballot has been inserted by the owner, shall be
129 returned to the municipal clerk in an outer envelope endorsed on the
130 outside with the words: "Official ballot". Such outer envelope shall also
131 contain, in the upper left corner of the face thereof, blank spaces for the
132 name and return address of the sender. In the lower left corner of such
133 outer envelope, enclosed in a printed box, there shall be spaces upon
134 which the municipal clerk, before issuance of the ballot and envelopes,
135 shall inscribe the name, street and number of the elector's voting
136 residence and the date by which the ballot must be returned, and
137 before issuance the municipal clerk shall similarly inscribe such
138 envelope with his name and address for the return thereof. All outer
139 envelopes shall be serially numbered. The ballots shall be returned to
140 the municipal clerk by the close of business on the day specified, and
141 such clerk shall compare each ballot to the list of property owners to
142 whom such ballots were mailed to insure that each such ballot has
143 been properly signed and returned.

144 Sec. 5. Subsection (i) of section 7-169 of the general statutes, as
145 amended by section 1 of public act 03-178, is repealed and the
146 following is substituted in lieu thereof (*Effective from passage*):

147 (i) Prizes offered for the winning of bingo games may consist of
148 cash, merchandise, tickets for any lottery conducted under chapter 226,
149 the value of which shall be the purchase price printed on such tickets,

150 or other personal property. No permittee may offer a prize which
151 exceeds fifty dollars in value, except that (1) a permittee may offer a
152 prize or prizes on any one day of not less than fifty-one dollars [nor] or
153 more than two hundred dollars in value, provided the total value of
154 such prizes on any one day does not exceed six hundred dollars, (2) a
155 permittee may offer one or two winner-take-all games or series of
156 games played on any day on which the permittee is allowed to
157 conduct bingo, provided ninety per cent of all receipts from the sale of
158 bingo cards for [said] such winner-take-all game or series of games
159 shall be awarded as prizes and provided each prize awarded does not
160 exceed five hundred dollars in value, (3) the holder of a Class A permit
161 may offer two additional prizes on a weekly basis not to exceed one
162 hundred twenty-five dollars each as a special grand prize and in the
163 event such a special grand prize is not won, the money reserved for
164 such prize shall be added to the money reserved for the next week's
165 special grand prize, provided no such special grand prize may
166 accumulate for more than sixteen weeks or exceed a total of two
167 thousand dollars, and (4) a permittee may award door prizes the
168 aggregate value of which shall not exceed two hundred dollars in
169 value. When more than one player wins on the call of the same
170 number, the designated prize shall be divided equally to the next
171 nearest dollar. If a permittee elects, no winner may receive a prize
172 which amounts to less than ten per cent of the announced prize and in
173 such case the total of such multiple prizes may exceed the statutory
174 limit of such game.

175 Sec. 6. Subsection (a) of section 8-7d of the general statutes, as
176 amended by section 5 of public act 03-177, is repealed and the
177 following is substituted in lieu thereof (*Effective from passage*):

178 (a) In all matters wherein a formal petition, application, request or
179 appeal must be submitted to a zoning commission, planning and
180 zoning commission [,] or zoning board of appeals under this chapter, a
181 planning commission under chapter 126 or an inland wetlands agency
182 under chapter 440 and a hearing is required or otherwise held on such
183 petition, application, request or appeal, such hearing shall commence

184 within sixty-five days after receipt of such petition, application,
185 request or appeal and shall be completed within thirty-five days after
186 such hearing commences, unless a shorter period of time is required
187 under this chapter, [or] chapter 126 or chapter 440. Notice of the
188 hearing shall be published in a newspaper having a general circulation
189 in such municipality where the land that is the subject of the hearing is
190 located at least twice, at intervals of not less than two days, the first not
191 more than fifteen days [, nor] or less than ten days [,] and the last not
192 less than two days before the date set for the hearing. In addition to
193 such notice, such commission, board or agency may, by regulation,
194 provide for notice to persons who own or occupy land that is adjacent
195 to the land that is the subject of the hearing. All applications and maps
196 and documents relating thereto shall be open for public inspection. At
197 such hearing, any person or persons may appear and be heard and
198 may be represented by agent or by attorney. All decisions on such
199 matters shall be rendered within sixty-five days after completion of
200 such hearing, unless a shorter period of time is required [pursuant to]
201 under this chapter, chapter 126 or chapter 440. The petitioner or
202 applicant may consent to one or more extensions of any period
203 specified in this subsection, provided the total extension of all such
204 periods shall not be for longer than sixty-five days, or may withdraw
205 such petition, application, request or appeal.

206 Sec. 7. Subsection (d) of section 9-150a of the general statutes, as
207 amended by section 97 of public act 03-6 of the June 30 special session,
208 is repealed and the following is substituted in lieu thereof (*Effective*
209 *from passage*):

210 (d) (1) If the statement on the inner envelope has not been signed as
211 required by section 9-140a, as amended, such inner envelope shall not
212 be opened [nor] or the ballot removed therefrom, and such inner
213 envelope shall be replaced in the opened outer envelope which shall be
214 marked "Rejected" and the reason therefor endorsed thereon by the
215 counters. (2) If such statement is signed but the individual completing
216 the ballot is an individual described in subsection (a) of section 90 of
217 [this act] public act 03-6 of the June 30 special session and has not met

218 the requirements of subsection (e) of section 90 of [this act] public act
219 03-6 of the June 30 special session, the counters shall replace the ballot
220 in the opened inner envelope, replace the inner envelope in the opened
221 outer envelope and mark "Rejected as an Absentee Ballot" and endorse
222 the reason for such rejection on the outer envelope, and the ballot shall
223 be treated as a provisional ballot for federal offices only, pursuant to
224 sections 83 to 89, inclusive, of [this act] public act 03-6 of the June 30
225 special session.

226 Sec. 8. Section 9-391 of the general statutes, as amended by section
227 22 of public act 03-241, is repealed and the following is substituted in
228 lieu thereof (*Effective from passage*):

229 (a) Each endorsement of a candidate to run in a primary for the
230 nomination of candidates for municipal office to be voted upon at a
231 municipal election, or for the election of town committee members
232 shall be made under the provisions of section 9-390, as amended, not
233 earlier than the fifty-sixth day [nor] or later than the forty-ninth day
234 preceding the day of such primary. The endorsement shall be certified
235 to the clerk of the municipality by the chairman or presiding officer
236 and the secretary of the town committee, caucus or convention, as the
237 case may be, not later than four o'clock p.m. on the forty-eighth day
238 preceding the day of such primary. Such certification shall contain the
239 name and street address of each person so endorsed, the title of the
240 office or the position as committee member and the name or number of
241 the political subdivision or district, if any, for which each such person
242 is endorsed. If such a certificate of a party's endorsement is not
243 received by the town clerk by such time, such party, for purposes of
244 sections 9-417, as amended, 9-418 and 9-419, shall be deemed to have
245 neither made nor certified such endorsement of any candidate for such
246 office.

247 (b) Each selection of delegates to a state or district convention shall
248 be made in accordance with the provisions of section 9-390, as
249 amended, not earlier than the one-hundred-sixty-eighth day and not
250 later than the one-hundred-sixty-first day preceding the day of the

251 primary for such state or district office. Such selection shall be certified
252 to the clerk of the municipality by the chairman or presiding officer
253 and the secretary of the town committee or caucus, as the case may be,
254 not later than four o'clock p.m. on the one-hundred-sixtieth day
255 preceding the day of such primary. Each such certification shall
256 contain the name and street address of each person so selected, the
257 position as delegate, and the name or number of the political
258 subdivision or district, if any, for which each such person is selected. If
259 such a certificate of a party's selection is not received by the town clerk
260 by such time, such party, for purposes of sections 9-417, as amended,
261 and 9-420, as amended, shall be deemed to have neither made nor
262 certified any selection of any person for the position of delegate.

263 (c) Each endorsement of a candidate to run in a primary for the
264 nomination of candidates for a municipal office to be voted upon at a
265 state election shall be made under the provisions of section 9-390, as
266 amended, not earlier than the eighty-fourth day [nor] or later than the
267 seventy-seventh day preceding the day of such primary. Any
268 certification to be filed under this section shall be received by the town
269 clerk not later than four o'clock p.m. on the fourteenth day after the
270 close of the town committee meeting, caucus or convention, as the case
271 may be. If such a certificate of a party's endorsement is not received by
272 the town clerk by such time, such party, for the purposes of sections 9-
273 417, as amended, and 9-418, shall be deemed to have neither made nor
274 certified any endorsement of any candidate for such office. The
275 candidate so endorsed for a municipal office to be voted upon at a
276 state election, other than the office of justice of the peace, shall file with
277 the town clerk a certificate, signed by that candidate, stating that such
278 candidate was so endorsed, the candidate's name as the candidate
279 authorizes it to appear on the ballot, the candidate's full street address
280 and the title and district of the office for which the candidate was
281 endorsed. Such certificate shall be attested by the chairman or
282 presiding officer and the secretary of the town committee, caucus or
283 convention which made such endorsement. The endorsement of
284 candidates for the office of justice of the peace shall be certified to the
285 clerk of the municipality by the chairman or presiding officer and the

286 secretary of the town committee, caucus or convention, and shall
287 contain the name and street address of each person so endorsed and
288 the title of the office for which each such person is endorsed.

289 Sec. 9. Subsection (c) of section 10-27 of the general statutes, as
290 amended by section 40 of public act 03-76, is repealed and the
291 following is substituted in lieu thereof (*Effective from passage*):

292 (c) State agencies, including the educational institutions, may
293 exchange a limited number of professional personnel and students
294 with institutions of other states and other countries and may pay the
295 salaries of such personnel and may assign scholarships and grants-in-
296 aid to the exchangees. The authorized exchange of personnel and
297 students need not be parallel and simultaneous [nor] or specific with
298 regard to the assignment of persons between institutions. If a vacancy
299 exists on the staff of any state agency, including the educational
300 institutions, because a leave of absence without pay has been granted,
301 such agency may engage the services of professional personnel of
302 other countries, and may pay such personnel so engaged from the
303 funds which otherwise would have been paid to such staff members
304 on leave of absence without pay.

305 Sec. 10. Subdivision (1) of subsection (a) of section 10-71 of the
306 general statutes, as amended by section 8 of public act 03-76 and
307 section 4 of public act 03-100, is repealed and the following is
308 substituted in lieu thereof (*Effective from passage*):

309 (1) The percentage of the eligible costs for adult education a local
310 board of education shall receive, under the provisions of this section,
311 shall be determined as follows: (A) Each town shall be ranked in
312 descending order from one to one hundred sixty-nine according to
313 such town's adjusted equalized net grand list per capita, as defined in
314 section 10-261, as amended; and (B) based upon such ranking, a
315 percentage of not less than zero [nor] or more than sixty-five shall be
316 determined for each town on a continuous scale, except that the
317 percentage for a priority school district pursuant to section 10-266p, as
318 amended, shall not be less than twenty. Any such percentage shall be

319 increased by seven and one-half percentage points but shall not exceed
320 sixty-five per cent for any local board of education which provides
321 basic adult education programs for adults at facilities operated by or
322 within the general administrative control and supervision of the
323 Department of Mental Health and Addiction Services, provided such
324 adults reside at such facilities.

325 Sec. 11. Subdivision (1) of subsection (b) of section 10-217a of the
326 general statutes, as amended by section 1 of public act 03-6 of the June
327 30 special session, is repealed and the following is substituted in lieu
328 thereof (*Effective from passage*):

329 (1) The percentage of the amount paid from local tax revenues for
330 such services reimbursed to a local board of education shall be
331 determined by (A) ranking each town in the state in descending order
332 from one to one hundred sixty-nine according to such town's adjusted
333 equalized net grand list per capita, as defined in section 10-261, as
334 amended; (B) based upon such ranking, (i) for reimbursement paid in
335 the fiscal year ending June 30, 1990, a percentage of not less than forty-
336 five [nor] or more than ninety shall be determined for each town on a
337 continuous scale, except that for any town in which the number of
338 children under the temporary family assistance program, as defined in
339 subdivision (17) of section 10-262f, is greater than one per cent of the
340 total population of the town, as defined in subdivision (7) of
341 subsection (a) of section 10-261, the percentage shall be not less than
342 eighty, (ii) for reimbursement paid in the fiscal years ending June 30,
343 1991, to June 30, 2001, inclusive, a percentage of not less than ten [nor]
344 or more than ninety shall be determined for each town on a continuous
345 scale, except that for any town in which the number of children under
346 the temporary family assistance program, as defined in [said]
347 subdivision (17) of section 10-262f, is greater than one per cent of the
348 total population of the town, as defined in subdivision (7) of
349 subsection (a) of section 10-261, and for any town which has a wealth
350 rank greater than thirty when towns are ranked pursuant to
351 subparagraph (A) of this subdivision and which provides such services
352 to greater than one thousand five hundred children who are not

353 residents of the town, the percentage shall be not less than eighty, and
354 (iii) for reimbursement paid in the fiscal [years] year ending June 30,
355 2002, and each fiscal year thereafter, a percentage of not less than ten
356 [nor] or more than ninety shall be determined for each town on a
357 continuous scale, except that for any town in which the number of
358 children under the temporary family assistance program, as defined in
359 [said] subdivision (17) of section 10-262f, for the fiscal year ending June
360 30, 1997, was greater than one per cent of the total population of the
361 town, as defined in subdivision (7) of subsection (a) of section 10-261,
362 for the fiscal year ending June 30, 1997, and for any town which has a
363 wealth rank greater than thirty when towns are ranked pursuant to
364 subparagraph (A) of this subdivision and which provides such services
365 to greater than one thousand five hundred children who are not
366 residents of the town, the percentage shall be not less than eighty.

367 Sec. 12. Subsection (b) of section 10-264l of the general statutes is
368 repealed and the following is substituted in lieu thereof (*Effective from*
369 *passage*):

370 (b) Applications for interdistrict magnet school program operating
371 grants awarded pursuant to this section shall be submitted annually to
372 the Commissioner of Education at such time and in such manner as the
373 commissioner prescribes. In determining whether an application shall
374 be approved and funds awarded pursuant to this section, the
375 commissioner shall consider, but such consideration shall not be
376 limited to: (1) Whether the program offered by the school is likely to
377 increase student achievement; (2) whether the program is likely to
378 reduce racial, ethnic and economic isolation; (3) the percentage of the
379 student enrollment in the program from each participating district;
380 and (4) the proposed operating budget and the sources of funding for
381 the interdistrict magnet school. If requested by the commissioner, the
382 applicant shall meet with the commissioner or the commissioner's
383 designee to discuss the budget and sources of funding. The
384 commissioner shall not award a grant to a program that is in operation
385 prior to July 1, 2005, if more than eighty per cent of its total enrollment
386 is from one school district, except that the commissioner may award a

387 grant for good cause, for any one year, on behalf of an otherwise
388 eligible magnet school program, if more than eighty per cent of the
389 total enrollment is from one district. The commissioner shall not award
390 a grant to a program that begins operations on or after July 1, 2005, if
391 more than seventy-five per cent of its total enrollment is from one
392 school district or if less than twenty-five or more than seventy-five per
393 cent of the students enrolled are pupils of racial minorities, as defined
394 in section 10-226a, as amended, except that the commissioner may
395 award a grant for good cause, for one year, on behalf of an otherwise
396 eligible interdistrict magnet school program, if more than seventy-five
397 per cent of the total enrollment is from one district or less than twenty-
398 five or more than seventy-five [percent] per cent of the students
399 enrolled are pupils of racial minorities. The commissioner may not
400 award grants pursuant to such an exception for a second consecutive
401 year.

402 Sec. 13. Subsection (d) of section 10a-6 of the general statutes is
403 repealed and the following is substituted in lieu thereof (*Effective from*
404 *passage*):

405 (d) The Board of Governors shall request and receive, or be
406 provided electronic access to, data, reports and other information from
407 the constituent units of the state system of higher education that is
408 necessary for the board to carry out its responsibilities pursuant to this
409 section.

410 Sec. 14. Section 10a-6b of the general statutes is repealed and the
411 following is substituted in lieu thereof (*Effective from passage*):

412 (a) The accountability measures developed by the Higher Education
413 Coordinating Council pursuant to subsection (b) of section 10a-6a shall
414 be used by the Department of Higher Education and each constituent
415 unit of the state system of higher education in assessing the constituent
416 unit's progress toward meeting the following goals to: (1) Enhance
417 student learning and promote academic excellence; (2) join with
418 elementary and secondary schools to improve teaching and learning at
419 all levels; (3) ensure access to and affordability of higher education; (4)

420 promote the economic development of the state to help business and
421 industry sustain strong economic growth; (5) respond to the needs and
422 problems of society; and (6) ensure the efficient use of resources. The
423 council shall develop an implementation plan for use of the
424 accountability measures.

425 (b) In developing the measures pursuant to subsection (a) of this
426 section, the council shall consider graduation rates, student retention
427 rates, tuition and fees, student financial need and available aid, trends
428 in enrollment and the percentage of incoming students who are state
429 residents, strategic plans pursuant to section 10a-11, data on graduates
430 by academic program, faculty productivity, and any other factor that it
431 deems relevant. In considering faculty productivity measures, the
432 council shall consult with the committee established under section 10a-
433 3.

434 (c) The council shall submit the accountability measures to the
435 Board of Governors of Higher Education for the board's review and
436 approval. Once the measures are approved, each constituent unit shall
437 provide the data to the department that is necessary for purposes of
438 applying the measures.

439 (d) The Commissioner of Higher Education, on behalf of the council,
440 shall report, in accordance with section 11-4a, to the joint standing
441 committee of the General Assembly having cognizance of matters
442 relating to education on the accountability measures and the
443 implementation plan developed pursuant to this section by February 1,
444 2000. The report shall include recommendations: (1) For any statutory
445 changes needed for purposes of assessing the constituent units and
446 public institutions of higher education based on the accountability
447 measures; (2) to clarify and streamline planning and accountability
448 reporting requirements of the constituent units and public institutions
449 of higher education; (3) concerning goals, actions to achieve such goals
450 and analysis of performance; and (4) for options to revise budgeting
451 policies and programs to meet accountability goals and measures as
452 outlined in subsections (a) and (b) of this section.

453 (e) The Commissioner of Higher Education shall develop, in
454 concurrence with the Higher Education Coordinating Council, an
455 accountability report prototype. Upon review and approval by the
456 Board of Governors of Higher Education, the commissioner shall
457 submit the report prototype to the joint standing committee of the
458 General Assembly having cognizance of matters relating to education
459 by October 1, 2000. The report prototype shall include accountability
460 measures developed and approved under this section for which data
461 collection mechanisms exist as determined by the commissioner.

462 (f) Each constituent unit of the state system of higher education shall
463 submit to the Commissioner of Higher Education its first
464 accountability report by January 1, 2001. The commissioner shall
465 compile and consolidate the reports. The commissioner shall submit, in
466 accordance with section 11-4a, an accountability report that covers the
467 state system of higher education and each constituent unit and public
468 institution of higher education to the joint standing committee of the
469 General Assembly having cognizance of matters relating to education
470 by February 1, 2001. The report shall include baseline data for the
471 accountability measures developed under this section for which data
472 collection mechanisms exist and comparable peer data, as determined
473 by the commissioner after consultation with the Higher Education
474 Coordinating Council and reviewed and approved by the Board of
475 Governors of Higher Education. The report shall also include a
476 timeline for the collection of data and reporting of the remaining
477 accountability measures and for the identification of performance
478 improvement targets.

479 (g) Each constituent unit of the state system of higher education
480 shall submit an accountability report to the Commissioner of Higher
481 Education annually, by January first. The commissioner shall compile
482 the reports and shall submit, in accordance with section 11-4a, a
483 consolidated accountability report for the state system of higher
484 education to the joint standing committee of the General Assembly
485 having cognizance of matters relating to education annually, by
486 February first. The report shall contain accountability measures for

487 each constituent unit and public institution of higher education
488 pursuant to subsections (a) and (b) of this section. The report shall
489 include updated baseline and peer comparison data, performance
490 improvement targets for each measure, and other information as
491 determined by the commissioner.

492 Sec. 15. Subsection (c) of section 10a-19b of the general statutes, as
493 amended by section 25 of public act 03-278, is repealed and the
494 following is substituted in lieu thereof (*Effective from passage*):

495 (c) Not later than July 1, 2002, and annually thereafter, the council,
496 in consultation with the Departments of Education and Higher
497 Education and the boards of trustees of the constituent units of the
498 state system of higher education, shall report to the joint standing
499 committees of the General Assembly having cognizance of matters
500 relating to education and higher education and employment
501 advancement on all articulation agreements involving higher
502 education institutions and any progress made on the establishment of
503 additional agreements, in accordance with section 11-4a.

504 Sec. 16. Section 10a-151e of the general statutes is repealed and the
505 following is substituted in lieu thereof (*Effective from passage*):

506 On and after July 1, 1999, each constituent unit of the state system of
507 higher education and each public institution of higher education that
508 negotiates a contract with a vendor for the provision of course books
509 for purchase by students shall ensure that such contract: (1) Includes a
510 provision requiring the vendor to post its policies concerning the
511 return of used books and the exchange rate for books used the
512 previous semester that are in good condition, and (2) does not prevent
513 student organizations from holding used book exchange programs.

514 Sec. 17. Section 10a-153 of the general statutes is repealed and the
515 following is substituted in lieu thereof (*Effective from passage*):

516 The constituent units of the state system of higher education shall
517 comply with the provisions of section 4a-60g when undertaking

518 remodeling, alteration, repair or enlargement projects pursuant to the
519 provisions of sections 4b-51, as amended, 4b-52, as amended, 4b-55, as
520 amended, and 4b-91, as amended.

521 Sec. 18. Subsection (e) of section 12-62k of the general statutes is
522 repealed and the following is substituted in lieu thereof (*Effective from*
523 *passage*):

524 (e) On and after July 1, 2002, the provisions of this section and
525 section 12-62 shall [supercede] supersede the provisions of any special
526 act, charter or home rule ordinance to the contrary concerning the year
527 a revaluation is required to be implemented.

528 Sec. 19. Subsection (d) of section 12-81f of the general statutes, as
529 amended by section 1 of public act 03-44, is repealed and the following
530 is substituted in lieu thereof (*Effective from passage*):

531 (d) Any person who has submitted an application and been
532 approved in any year for the additional exemption under subsection
533 (a) or (b) of this section shall, in the year immediately following
534 approval, be presumed to be qualified for such exemption. During the
535 year immediately following such approval, the assessor shall notify, in
536 writing, each person presumed to be qualified pursuant to this
537 subsection. If any such person has qualifying income in excess of the
538 maximum allowed under said subsection (a) or (b), such person shall
539 notify the assessor on or before the next filing date for such exemption
540 and shall be denied such exemption for the assessment year
541 immediately following and for any subsequent year until such person
542 has reapplied and again qualified for such exemption. Any person
543 who fails to notify the assessor of such disqualification shall make
544 payment to the municipality in the amount of property tax loss related
545 to the exemption improperly taken.

546 Sec. 20. Subsection (b) of section 13a-247 of the general statutes, as
547 amended by section 39 of public act 03-115, is repealed and the
548 following is substituted in lieu thereof (*Effective from passage*):

549 (b) Any person, firm or corporation violating any provision of
550 subsection (a) of this section shall be fined not more than one hundred
551 dollars for a first offense and not less than one hundred dollars [nor] or
552 more than five hundred dollars for each subsequent offense.

553 Sec. 21. Subsection (b) of section 13b-44 of the general statutes, as
554 amended by section 51 of public act 03-115, is repealed and the
555 following is substituted in lieu thereof (*Effective from passage*):

556 (b) The commissioner shall cause a public hearing to be held at the
557 expense of the department in each municipality in which such lands or
558 interests in such lands are located. At such hearing, the commissioner
559 shall present and explain the plan of development, and any persons
560 who are opposed to such plan may be heard and may state their
561 reasons for such opposition. Such hearing shall be held not earlier than
562 thirty days after such plan has been filed in the office of the town clerk
563 of the municipality. Notice of the time and place of such hearing shall
564 be published in a newspaper having a substantial circulation in such
565 municipality at least twice, at intervals of not less than two days, the
566 first not more than fifteen days [nor] or less than ten days and the
567 second not less than two days before such hearing.

568 Sec. 22. Subsection (g) of section 14-36 of the general statutes, as
569 amended by section 1 of public act 03-171, is repealed and the
570 following is substituted in lieu thereof (*Effective from passage*):

571 (g) Any person who violates any provision of this section shall, for a
572 first offense, be deemed to have committed an infraction and be fined
573 not less than seventy-five dollars [nor] or more than ninety dollars
574 and, for any subsequent offense, shall be fined not less than two
575 hundred fifty dollars [nor] or more than three hundred fifty dollars or
576 be imprisoned not more than thirty days, or both.

577 Sec. 23. Subsection (d) of section 14-40a of the general statutes, as
578 amended by section 4 of public act 03-171, is repealed and the
579 following is substituted in lieu thereof (*Effective from passage*):

580 (d) Any person who violates any provision of subsection (a), (b) or
581 (c) of this section shall, for a first offense, be deemed to have
582 committed an infraction and be fined not less than thirty-five dollars
583 [nor] or more than fifty dollars and, for any subsequent offense, shall
584 be fined not more than one hundred dollars or imprisoned not more
585 than thirty days, or both.

586 Sec. 24. Subsection (h) of section 15-133 of the general statutes, as
587 amended by section 1 of public act 03-244, is repealed and the
588 following is substituted in lieu thereof (*Effective from passage*):

589 (h) Any person who violates the provisions of subsection (d) of this
590 section shall: (1) For conviction of a first violation, (A) be fined not less
591 than five hundred dollars [nor] or more than one thousand dollars,
592 and (B) be (i) imprisoned not more than six months, forty-eight
593 consecutive hours of which may not be suspended or reduced in any
594 manner, or (ii) imprisoned not more than six months, with the
595 execution of such sentence of imprisonment suspended entirely and a
596 period of probation imposed requiring as a condition of such
597 probation that such person perform one hundred hours of community
598 service, as defined in section 14-227e, and (C) have such person's safe
599 boating certificate or certificate of personal watercraft operation, if any,
600 or right to operate a vessel that requires a safe boating certificate for
601 operation suspended for one year; (2) for conviction of a second
602 violation not later than ten years after a prior conviction for the same
603 offense, (A) be fined not less than one thousand dollars [nor] or more
604 than four thousand dollars, (B) be imprisoned not more than two
605 years, one hundred twenty consecutive days of which may not be
606 suspended or reduced in any manner, and sentenced to a period of
607 probation requiring as a condition of such probation that such person
608 perform one hundred hours of community service, as defined in
609 section 14-227e, and (C) have such person's safe boating certificate or
610 certificate of personal watercraft operation, if any, or right to operate a
611 vessel that requires a safe boating certificate for operation suspended
612 for three years or until the date of such person's twenty-first birthday,
613 whichever is longer; and (3) for conviction of a third and subsequent

614 violation not later than ten years after a prior conviction for the same
615 offense, (A) be fined not less than two thousand dollars [nor] or more
616 than eight thousand dollars, (B) be imprisoned not more than three
617 years, one year of which may not be suspended or reduced in any
618 manner, and sentenced to a period of probation requiring as a
619 condition of such probation that such person perform one hundred
620 hours of community service, as defined in section 14-227e, and (C)
621 have such person's safe boating certificate or certificate of personal
622 watercraft operation, if any, or right to operate a vessel that requires a
623 safe boating certificate for operation permanently revoked upon such
624 third offense.

625 Sec. 25. Subsection (b) of section 15-140l of the general statutes, as
626 amended by section 2 of public act 03-244, is repealed and the
627 following is substituted in lieu thereof (*Effective from passage*):

628 (b) Any person guilty of reckless operation of a vessel in the first
629 degree while under the influence shall be fined not less than two
630 thousand five hundred dollars [nor] or more than five thousand
631 dollars or imprisoned not more than two years, or both.

632 Sec. 26. Subsection (b) of section 15-140n of the general statutes, as
633 amended by section 3 of public act 03-244, is repealed and the
634 following is substituted in lieu thereof (*Effective from passage*):

635 (b) Any person guilty of reckless operation of a vessel in the second
636 degree while under the influence shall be fined not less than five
637 hundred dollars [nor] or more than one thousand dollars or
638 imprisoned not more than six months, or both.

639 Sec. 27. Subsection (h) of section 15-144 of the general statutes, as
640 amended by section 14 of public act 03-244, is repealed and the
641 following is substituted in lieu thereof (*Effective from passage*):

642 (h) (1) Any person who operates or any owner who permits the
643 operation of a vessel on the waters of this state which has not been
644 numbered or registered in accordance with the provisions of this

chapter and any other applicable section of the general statutes [.] shall have committed a violation and shall be fined not less than twenty-five [nor] dollars or more than two hundred dollars for the first offense and for each subsequent offense shall be fined not less than two hundred dollars [nor] or more than five hundred dollars. (2) No person shall use any vessel registration or registration decals that have been issued to another person pursuant to sections 15-142 to 15-144, inclusive. No person shall use a vessel registration or registration decals on any vessel other than the vessel for which such registration number or registration decals have been issued. Any person who violates any provision of this subdivision shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both. (3) Any officer empowered to enforce the provisions of this chapter and any other applicable section of the general statutes who finds a vessel which is not numbered or registered in accordance with the provisions of this chapter and such discovery is subsequent to a violation of this chapter may make application to the court for a warrant to seize such vessel and take it into custody pending proof of payment of proper numbering or registration fees. No officer shall be liable for any act performed under the provisions of this subsection.

Sec. 28. Subsection (b) of section 15-154 of the general statutes, as amended by section 7 of public act 03-244, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) When engaged in the enforcement of this chapter and chapter 446k, such officer shall have the authority to stop and board any vessel which is under way or which is moored on the waters of this state for the purposes of (1) examining decals, certificates and other documents, (2) inspecting safety equipment and waste disposal systems, (3) determining if the operation of such vessel exceeds the noise levels established in subsection (b) of section 15-129, (4) searching when such officer has probable cause to believe that any provision of any law of this state or any rule or regulation of the Department of Environmental Protection relating to boating or water pollution has been violated, (5) determining compliance with sections 15-140l, as amended, and 15-

679 140n, as amended, and subsections (d) and (e) of section 15-133, as
680 amended, when such authorized officer has probable cause to believe
681 said section or subsection has been violated, and (6) making arrests.
682 No person operating a vessel shall refuse to stop such vessel or, if sea
683 conditions make stopping in that area unsafe, refuse to take such
684 vessel to a designated area after being requested or signalled to do so
685 by such officer. Any person operating a vessel who refuses to stop or
686 refuses to take such vessel to the designated area shall have committed
687 an infraction. Any person, when signalled to stop by such officer in a
688 law enforcement vessel using an audible signal device or flashing blue
689 lights, who operates such vessel in disregard of such signal so as to (A)
690 interfere with or endanger the operation of the law enforcement vessel
691 or any other vessel, (B) endanger or cause damage to property or
692 person, or (C) increase speed in an attempt to escape or elude such law
693 enforcement officer shall be fined not less than one hundred dollars
694 [nor] or more than five hundred dollars for a first offense and for any
695 subsequent offense shall be fined not less than five hundred dollars
696 [nor] or more than one thousand dollars. Proof of the registration
697 number of the vessel shall be prima facie evidence in any prosecution
698 that the owner was the operator.

699 Sec. 29. Subsection (a) of section 16-50m of the general statutes, as
700 amended by section 8 of public act 03-140, is repealed and the
701 following is substituted in lieu thereof (*Effective October 1, 2004*):

702 (a) The council shall promptly fix a commencement date and
703 location for a public hearing on an application for a certificate
704 complying with section 16-50l, as amended, (1) where no proposals are
705 received pursuant to the request-for-proposal process, not less than
706 thirty days after the deadline for submission of such proposals [nor] or
707 more than sixty days after such deadline; (2) where a proposal is
708 received pursuant to the request-for-proposal process, not less than
709 thirty days after the deadline of submission of an application pursuant
710 to subdivision (3) of subsection (a) of section 16-50l, as amended, [nor]
711 or more than sixty days after such deadline; or (3) where the
712 application is for a facility described in subdivision (5) or (6) of

713 subsection (a) of section 16-50i, as amended, not less than thirty days
714 after receipt of an application [nor] or more than one hundred fifty
715 days after such receipt. Applications that are common to a request-for-
716 proposal shall be heard under a consolidated public hearing process.
717 At least one session of such hearing shall be held at a location selected
718 by the council in the county in which the facility or any part thereof is
719 to be located after six-thirty p.m. for the convenience of the general
720 public. After holding at least one hearing session in the county in
721 which the facility or any part thereof is to be located, the council may,
722 in its discretion, hold additional hearing sessions at other locations. If
723 the proposed facility is to be located in more than one county, the
724 council shall fix the location for at least one public hearing session in
725 whichever county it determines is most appropriate, provided the
726 council may hold hearing sessions in more than one county.

727 Sec. 30. Subsection (a) of section 16-245d of the general statutes, as
728 amended by section 22 of public act 03-135, is repealed and the
729 following is substituted in lieu thereof (*Effective from passage*):

730 (a) The Department of Public Utility Control shall, by regulations
731 adopted pursuant to chapter 54, develop a standard billing format that
732 enables customers to compare pricing policies and charges among
733 electric suppliers. On and after January 1, 2000, each electric company
734 or electric distribution company, as the case may be, shall, in
735 accordance with the billing format developed by the department,
736 include at a minimum the following information in each customer's
737 bill: (1) The total amount owed by the customer, which shall be
738 itemized to show, (A) the electric generation services component and
739 any additional charges imposed by the electric supplier, if applicable,
740 (B) the electric transmission and distribution charge, including all
741 applicable taxes and the systems benefits charge, as provided in
742 section 16-245l, as amended, (C) the competitive transition assessment,
743 as provided in section 16-245g, as amended, (D) [federally-mandated]
744 federally mandated congestion costs, and (E) the conservation and
745 renewable energy charge, consisting of the conservation and load
746 management program charge, as provided in section 16-245m, as

747 amended, and the renewable energy investment charge, as provided in
748 section 16-245n, as amended; (2) any unpaid amounts from previous
749 bills which shall be listed separately from current charges; (3) except
750 for customers subject to a demand charge, the rate and usage for the
751 current month and each of the previous twelve months in the form of a
752 bar graph or other visual form; (4) the payment due date; (5) the
753 interest rate applicable to any unpaid amount; (6) the toll-free
754 telephone number of the electric distribution company to report power
755 losses; (7) the toll-free telephone number of the Department of Public
756 Utility Control for questions or complaints; (8) the toll-free telephone
757 number and address of the electric supplier; and (9) a statement about
758 the availability of information concerning electric suppliers pursuant
759 to section 16-245p, as amended.

760 Sec. 31. Section 17b-28e of the general statutes is repealed and the
761 following is substituted in lieu thereof (*Effective from passage*):

762 Not later than September 30, 2002, the Commissioner of Social
763 Services shall submit an amendment to the Medicaid state plan to
764 implement the provisions of public act 02-1 of the May 9 special
765 session* concerning optional services under the Medicaid program.
766 Said state plan amendment shall [supercede] supersede any
767 regulations of Connecticut state agencies concerning such optional
768 services.

769 Sec. 32. Section 17b-222 of the general statutes is repealed and the
770 following is substituted in lieu thereof (*Effective from passage*):

771 As used in this section and sections 17b-223, 17b-228, 17b-229 and
772 [17b-748,] 17b-745, as amended, "state humane institution" or "humane
773 institution" means [and includes] state mental hospitals, community
774 mental health centers, treatment facilities for children and adolescents,
775 or any other facility or program administered by the Departments of
776 Mental Health and Addiction Services, Mental Retardation, or
777 Children and Families. The person in charge of each state humane
778 institution shall furnish the Commissioner of Administrative Services
779 with a daily report of changes in the patient roster and the date of

780 formal commitment of each patient.

781 Sec. 33. Subsection (b) of section 17b-229 of the general statutes is
782 repealed and the following is substituted in lieu thereof (*Effective from*
783 *passage*):

784 (b) The provisions of sections 17a-278, 17a-502, 17b-222, 17b-223,
785 17b-228, 17b-232, [17b-748,] 17b-745, as amended, 46b-215, as amended,
786 and 53-304 shall not affect or impair the responsibility of any patient or
787 patient's estate for his care in a state humane institution prior to July 1,
788 1955, and the same may be enforced by any action by which such
789 responsibility would have been enforceable prior to July 1, 1955, but
790 only to the extent of that portion of such estate as is not needed for the
791 support of the spouse, parents and dependent children of such patient.

792 Sec. 34. Section 17b-429 of the general statutes is repealed and the
793 following is substituted in lieu thereof (*Effective from passage*):

794 The Commissioner of Social Services shall, within available
795 appropriations, make information available to senior citizens and
796 disabled persons concerning any pharmaceutical company's drug
797 program for indigent persons by utilizing the ConnPACE program, the
798 CHOICES health insurance [counseling and] assistance program, as
799 defined in section [17b-427a] 17b-427, as amended, and Infoline of
800 Connecticut to deliver such information.

801 Sec. 35. Subsection (c) of section 19a-42 of the general statutes is
802 repealed and the following is substituted in lieu thereof (*Effective from*
803 *passage*):

804 (c) An amended certificate shall [supercede] supersede the original
805 certificate that has been changed and shall be marked "Amended",
806 except for amendments due to parentage or gender change. The
807 original certificate in the case of parentage or gender change shall be
808 physically or electronically sealed and kept in a confidential file by the
809 department and the registrar of any town in which the birth was
810 recorded, and may be unsealed for viewing or issuance only upon a

811 written order of a court of competent jurisdiction. The amended
812 certificate shall become the public record.

813 Sec. 36. Subsection (a) of section 19a-77a of the general statutes, as
814 amended by section 10 of public act 03-243, is repealed and the
815 following is substituted in lieu thereof (*Effective from passage*):

816 (a) Any retail establishment in this state may establish a drop-in
817 supplementary child-care operation on the premises of such retail
818 establishment in accordance with the following requirements:

819 (1) The hours of operation may only be between six o'clock a.m. and
820 nine o'clock p.m.

821 (2) No child receiving care shall be less than three years [nor] or
822 more than ten years of age.

823 (3) A child may not receive more than two hours of care per day.

824 (4) The operation may immediately notify appropriate law
825 enforcement or state agencies if any child receiving care at such
826 operation is not picked up by a parent or guardian after three hours.

827 (5) A parent or guardian shall be on the premises at the retail
828 establishment at all times while the child is receiving care.

829 (6) The retail establishment shall provide a clean and safe area for
830 the drop-in supplementary child-care operation.

831 (7) At all times the operation shall provide (A) at least one child-care
832 staff person for every ten children, and (B) at least one child-care staff
833 person who is twenty years of age or older who has experience in child
834 care.

835 (8) The operation shall submit the names of all child-care staff to the
836 Commissioner of Public Health, who shall request a check of such
837 names from the state child abuse registry established pursuant to
838 section 17a-101k for perpetrator information.

839 Sec. 37. Section 19a-302 of the general statutes, as amended by
840 section 24 of public act 03-252, is repealed and the following is
841 substituted in lieu thereof (*Effective from passage*):

842 If at any time such association fails to comply with the provisions of
843 section 19a-301, the selectmen of the town in which such cemetery is
844 located shall take over the care of [said] such fund and file an annual
845 report with the Probate Court in accordance with the provisions of
846 section 19a-301. The selectmen may appoint a cemetery committee
847 consisting of not fewer than three [nor] or more than seven members
848 who are residents of such town. If three members are appointed, one
849 shall serve for a term of two years, one for a term of four years and one
850 for a term of six years; if four members are appointed, one shall serve
851 for a term of two years, one for a term of four years and two for a term
852 of six years; if five members are appointed, one shall serve for a term
853 of two years, two for a term of four years and two for a term of six
854 years; if six members are appointed, two shall serve for a term of two
855 years, two for a term of four years and two for a term of six years; and
856 if seven members are appointed, two shall serve for a term of two
857 years, two for a term of four years and three for a term of six years.
858 Biennially thereafter, they may appoint one member for a term of six
859 years to replace each member whose term expires. [Said] Such
860 committee shall have all of the powers and duties of a committee
861 established as provided in section 19a-301.

862 Sec. 38. Subsection (i) of section 19a-343a of the general statutes, as
863 amended by section 8 of public act 03-231, is repealed and the
864 following is substituted in lieu thereof (*Effective from passage*):

865 (i) At the evidentiary hearing upon the public nuisance complaint,
866 the state shall have the burden of proving, by clear and convincing
867 evidence, [of] the existence of a public nuisance upon the real property
868 as [defined] provided in section 19a-343, as amended. If the state
869 presents clear and convincing evidence that there have been three or
870 more arrests, or the issuance of three or more arrest warrants
871 indicating a pattern of criminal activity and not isolated incidents, for

872 conduct on the real property or any portion thereof documented by a
873 law enforcement officer for any of the offenses enumerated in
874 subdivisions (1) to (11), inclusive, of subsection (c) of section 19a-343,
875 as amended, within the three hundred sixty-five days preceding
876 commencement of the action, [this] such evidence shall create a
877 rebuttable presumption of the existence of a public nuisance. Any
878 defendant may offer evidence by way of an affirmative defense that
879 such defendant has taken reasonable steps to abate the public
880 nuisance, but has been unable to abate the nuisance.

881 Sec. 39. Subsection (c) of section 19a-673 of the general statutes, as
882 amended by section 5 of public act 03-266, is repealed and the
883 following is substituted in lieu thereof (*Effective from passage*):

884 (c) Each collection agent, as defined in section 19a-509b, as
885 amended, engaged in collecting a debt from a patient arising from
886 services provided at a hospital shall provide written notice to such
887 patient as to whether the hospital deems the patient an insured patient
888 or an uninsured patient [as defined in subsection (a) of this section]
889 and the reasons for such determination.

890 Sec. 40. Section 20-205 of the general statutes, as amended by section
891 2 of public act 03-198, is repealed and the following is substituted in
892 lieu thereof (*Effective from passage*):

893 The provisions of this chapter shall not apply to any person in
894 governmental employ while acting in the scope of his or her
895 employment, [nor] or to any person who furnishes medical or surgical
896 assistance without compensation in an emergency, [nor] or to any
897 veterinarian, licensed in another state, who is employed as a direct
898 consultant for not more than ten days during any calendar year with
899 any practitioner licensed in conformity with the provisions of section
900 20-197, as amended. The provisions of this chapter shall not apply to
901 any hospital, educational institution or laboratory or any state or
902 federal institution, or any employee of, student in or person associated
903 with any such hospital, educational institution or laboratory or state or
904 federal institution, while engaged in research or studies involving the

905 use of medical, surgical or dental procedures, or to the owner of any
906 animal or livestock or his or her employee while administering to such
907 animal or livestock.

908 Sec. 41. Section 22-333 of the general statutes, as amended by section
909 2 of public act 03-123, is repealed and the following is substituted in
910 lieu thereof (*Effective from passage*):

911 Any dog, cat or other animal captured or impounded under the
912 provisions of this chapter shall be redeemed by the owner or keeper
913 thereof, or the agent of such owner or keeper, upon proper
914 identification, and, if the animal in question is a dog, upon
915 presentation to the municipal animal control officer of a license and tag
916 for such dog, and upon the payment by such owner or keeper or his
917 agent of (1) the redemption fee established by the municipality, which
918 shall not exceed fifteen dollars, and (2) the cost of advertising incurred
919 under the provisions of section 22-332, as amended; provided no dog,
920 cat or other animal seized for doing damage under the provisions of
921 section 22-355 shall be released except upon written order of the
922 commissioner, the Chief Animal Control Officer or an animal control
923 officer. When the owner or keeper of any such impounded dog, cat or
924 other animal fails to redeem such dog, cat or other animal within
925 twenty-four hours after receiving notification to do so, or, where the
926 owner was unknown, within twenty-four hours after notification was
927 effected by means of publication in a newspaper, such owner or keeper
928 shall pay, in addition to such redemption fee and the cost of
929 advertising, the amount determined by the municipality to be the full
930 cost of detention and care of such impounded dog, cat or other animal.
931 The owner or keeper of any dog, cat or other animal impounded for
932 the purposes of quarantine, as set forth in sections 22-358 and 22-359,
933 shall pay the amount determined by the municipality to be the full cost
934 of detention and care of such quarantined animal. In addition, any
935 owner or keeper of any such impounded dog, cat or other animal who
936 fails to redeem such dog, cat or other animal within one hundred [and]
937 twenty hours after receiving notification to do so shall have committed
938 an infraction. The legislative body of the municipality shall set any fees

939 imposed by the municipality under this section.

940 Sec. 42. Section 26-55 of the general statutes, as amended by section
941 3 of public act 03-192 and section 242 of public act 03-6 of the June 30
942 special session, is repealed and the following is substituted in lieu
943 thereof (*Effective from passage*):

944 No person shall import or introduce into the state, or possess or
945 liberate therein, any live fish, wild bird, wild mammal, reptile,
946 amphibian or invertebrate unless such person has obtained a permit
947 therefor from the commissioner, provided nothing in this section shall
948 be construed to require such permit for any live fish, wild bird, wild
949 mammal, reptile, amphibian or invertebrate that was imported,
950 introduced into the state, possessed or liberated in the state prior to
951 October 1, 2003. Such permit may be issued at the discretion of the
952 commissioner under such regulations as the commissioner may
953 prescribe. The commissioner may by regulation prescribe the numbers
954 of live fish, wild birds, wild mammals, reptiles, amphibians or
955 invertebrates of certain species which may be imported, possessed,
956 introduced into the state or liberated therein. The commissioner may
957 by regulation exempt certain species or groups of live fish from the
958 permit requirements. The commissioner may by regulation determine
959 which species of wild birds, wild mammals, reptiles, amphibians or
960 invertebrates must meet permit requirements. The commissioner may
961 totally prohibit the importation, possession, introduction into the state
962 or liberation therein of certain species which the commissioner has
963 determined may be a potential threat to humans, agricultural crops or
964 established species of plants, fish, birds, mammals, reptiles,
965 amphibians or invertebrates. The commissioner may by regulation
966 exempt from permit requirements organizations or institutions such as
967 zoos, research laboratories, colleges or universities, public nonprofit
968 aquaria or nature centers where live fish, wild birds, wild mammals,
969 reptiles, amphibians or invertebrates are held in strict confinement.
970 Any such fish, bird, mammal, reptile, amphibian or invertebrate
971 illegally imported into the state or illegally possessed therein shall be
972 seized by any representative of the Department of Environmental

973 Protection and shall be disposed of as determined by the
974 commissioner. Any person, except as provided in section 26-55a, who
975 violates any provision of this section or any regulation issued by the
976 commissioner as [herein] provided in this section shall be guilty of an
977 infraction. Importation, liberation or possession of each fish, wild bird,
978 wild mammal, reptile, amphibian or invertebrate in violation of this
979 section or such regulation shall be a separate and distinct offense and,
980 in the case of a continuing violation, each day of continuance thereof
981 shall be deemed to be a separate and distinct offense.

982 Sec. 43. Section 26-57 of the general statutes, as amended by section
983 4 of public act 03-192, is repealed and the following is substituted in
984 lieu thereof (*Effective from passage*):

985 No person shall transport within the state or transport out of the
986 state any fish, bird, mammal, reptile, amphibian or invertebrate for
987 which a closed season is provided without a permit from the
988 commissioner, except as provided [herein] in this section. The
989 commissioner may issue a permit to any person to transport within the
990 state or to transport out of the state any fish, bird, mammal, reptile,
991 amphibian or invertebrate protected under the provisions of this
992 chapter under such regulations as the commissioner may prescribe. No
993 fish, bird, mammal, reptile, amphibian or invertebrate shall be
994 transported out of the state unless each unit, package or container is
995 conspicuously tagged or labeled, and such tag or label contains in
996 legible writing the full name and address of the person legally
997 authorized to transport out of the state such fish, bird, mammal,
998 reptile, amphibian or invertebrate. Any such fish, bird, mammal,
999 reptile, amphibian or invertebrate received by any person or by any
1000 common carrier within the state, addressed for shipment to any point
1001 without the state and not having such tag or label conspicuously
1002 attached shall be prima facie evidence of a violation of the provisions
1003 of this section. A permit shall not be required to transport within the
1004 state or to transport out of the state any fish, bird, mammal, reptile,
1005 amphibian or invertebrate which has been legally taken, bred,
1006 propagated or possessed by a person to whom a license, registration or

1007 permit has been issued under the provisions of this chapter
1008 authorizing the taking, breeding, propagating or possessing of fish,
1009 birds, mammals, reptiles, amphibians or invertebrates, and no permit
1010 shall be required to transport within the state or to transport out of the
1011 state any fish, bird, mammal, reptile, amphibian or invertebrate that
1012 has been legally taken or acquired by a person exempt from license
1013 requirements under the provisions of this chapter. Any person who
1014 violates any provision of this section shall be fined not less than ten
1015 dollars [nor] or more than two hundred dollars or imprisoned not
1016 more than sixty days, or be both fined and imprisoned.

1017 Sec. 44. Subsection (b) of section 26-82 of the general statutes, as
1018 amended by section 6 of public act 03-192, is repealed and the
1019 following is substituted in lieu thereof (*Effective from passage*):

1020 (b) Any person who violates any provision of this section shall be
1021 fined not less than two hundred dollars [nor] or more than five
1022 hundred dollars or imprisoned not less than thirty days [nor] or more
1023 than six months, or shall be both fined and imprisoned, for the first
1024 offense, and for each subsequent offense shall be fined not less than
1025 two hundred dollars [nor] or more than one thousand dollars or
1026 imprisoned not more than one year, or shall be both fined and
1027 imprisoned.

1028 Sec. 45. Subsection (e) of section 28-1 of the general statutes, as
1029 amended by section 166 of public act 03-6 of the June 30 special
1030 session, is repealed and the following is substituted in lieu thereof
1031 (*Effective from passage*):

1032 (e) "Civil preparedness forces" means any organized personnel
1033 engaged in carrying out civil preparedness functions in accordance
1034 with the provisions of this chapter or any regulation or order
1035 thereunder. All the police and fire forces of the state or any political
1036 subdivision of the state, or any part of any political subdivision,
1037 including all the auxiliaries of these forces, shall be construed to be a
1038 part of the civil preparedness forces. The Connecticut Disaster Medical
1039 Assistance Team and the Medical Reserve Corps, under the auspices of

1040 the Department of Public Health, the Connecticut Urban Search and
1041 Rescue Team, under the auspices of the Department of Public Safety,
1042 and the Connecticut behavioral health regional crisis response teams,
1043 under the auspices of the Department of Mental Health and Addiction
1044 Services and the Department of Children and Families, and their
1045 members, shall be construed to be a part of the civil preparedness
1046 forces while engaging in authorized civil preparedness duty or while
1047 assisting or engaging in authorized training for the purpose of
1048 eligibility for immunity from liability as provided in section 28-13 and
1049 for death, disability and injury benefits as provided in section 28-14.
1050 Any member of the civil preparedness forces who is called upon either
1051 by civil preparedness personnel or state or municipal police personnel
1052 to assist in any emergency shall be deemed to be engaging in civil
1053 preparedness duty while assisting in such emergency or while
1054 engaging in training under the auspices of the Office of Emergency
1055 Management, [or the state] the Division of State Police within the
1056 Department of Public Safety or a municipal police department, for the
1057 purpose of eligibility for death, disability and injury benefits as
1058 provided in section 28-14.

1059 Sec. 46. Section 29-231 of the general statutes, as amended by section
1060 1 of public act 03-15, is repealed and the following is substituted in lieu
1061 thereof (*Effective from passage*):

1062 The provisions of this chapter shall not apply to: (1) Boilers under
1063 federal control; (2) portable boilers used in pumping, heating,
1064 steaming and drilling in the open field; (3) portable boilers used solely
1065 for agricultural purposes; (4) steam heating boilers, hot water heaters
1066 and hot water heating boilers, when used in private homes or
1067 apartment houses of not more than five families; (5) hot water heaters
1068 approved by a nationally recognized testing agency that are equipped
1069 with adequate safety devices including a temperature and pressure
1070 relief valve, having a nominal water capacity of not more than one
1071 hundred twenty gallons and a heat input of not more than two
1072 hundred thousand British thermal units per hour and used solely for
1073 hot water supply carrying a pressure of not more than one hundred

1074 sixty pounds per square inch and operating at temperatures of not
1075 more than two hundred [and] ten degrees Fahrenheit, provided such
1076 heaters are not installed in schools, day care centers, public or private
1077 hospitals, nursing or boarding homes, churches or public buildings, as
1078 defined in section 1-1; (6) antique or model boilers used in public,
1079 nonprofit engineering or scientific museums and operated for
1080 educational, historical or exhibition purposes having a shell diameter
1081 of less than twelve inches and a grate surface area of less than one
1082 square foot; and (7) public service companies, as defined in section 16-
1083 1, as amended.

1084 Sec. 47. Section 29-381 of the general statutes, as amended by section
1085 2 of public act 03-231, is repealed and the following is substituted in
1086 lieu thereof (*Effective from passage*):

1087 (a) No owner, proprietor, manager or agent of any theater, concert
1088 or music hall or assembly hall or of any building, auditorium or
1089 [rooms] room used for public gatherings shall permit any person to
1090 occupy any aisle in any such theater, concert or music hall, assembly
1091 hall or other building used for such purpose, or permit any person to
1092 occupy the back or sides of any such building or room used [as
1093 aforesaid] for such purpose, to such an extent as to prevent the free
1094 and unobstructed passage to and from the entrance to any aisle or any
1095 of the exits in such place. [; but the] The provisions of this [section]
1096 subsection shall not apply to town halls which are on the ground floor.

1097 (b) Before any performance or event at any theater, concert or music
1098 hall or assembly hall or at any building, auditorium or room used for
1099 public gatherings of more than one hundred persons, the owner,
1100 proprietor, manager or agent of such theater, hall, building,
1101 auditorium or room shall make a public announcement that describes
1102 the location of emergency exits.

1103 (c) Any person who violates any provision of subsection (a) or (b) of
1104 this section shall be fined not more than fifty dollars.

1105 Sec. 48. Section 30-88a of the general statutes, as amended by section

1106 14 of public act 03-171, is repealed and the following is substituted in
1107 lieu thereof (*Effective from passage*):

1108 Each person who attains the age of twenty-one years and has a
1109 motor vehicle operator's license, containing a full-face photograph of
1110 such person, may use, and each permittee may accept, such license as
1111 legal proof of the age of the licensee for the purposes of this chapter.
1112 Any person who, for the purpose of procuring alcoholic liquor,
1113 misrepresents his or her age or uses or exhibits [, for the purpose of
1114 procuring alcoholic liquor,] an operator's license belonging to any
1115 other person [,] shall be fined not less than two hundred [nor] dollars
1116 or more than five hundred dollars or imprisoned not more than thirty
1117 days, or both.

1118 Sec. 49. Section 31-51ll of the general statutes, as amended by section
1119 2 of public act 03-213, is repealed and the following is substituted in
1120 lieu thereof (*Effective from passage*):

1121 (a) (1) Subject to section 31-51mm, an eligible employee shall be
1122 entitled to a total of sixteen workweeks of leave during any twenty-
1123 four-month period, such twenty-four-month period to be determined
1124 utilizing any one of the following methods: [(1)] (A) Consecutive
1125 calendar years; [(2)] (B) any fixed twenty-four-month period, such as
1126 two consecutive fiscal years or a twenty-four-month period measured
1127 forward from an employee's first date of employment; [(3)] (C) a
1128 twenty-four-month period measured forward from an employee's first
1129 day of leave taken under sections 31-51kk to 31-51qq, inclusive; or [(4)]
1130 (D) a rolling twenty-four-month period measured backward from an
1131 employee's first day of leave taken under sections 31-51kk to 31-51qq,
1132 inclusive. [,]

1133 (2) Leave under this subsection may be taken for one or more of the
1134 following reasons:

1135 [(1)] (A) Upon the birth of a son or daughter of the employee;

1136 [(2)] (B) Upon the placement of a son or daughter with the employee

1137 for adoption or foster care;

1138 [(3)] (C) In order to care for the spouse, or a son, daughter or parent
1139 of the employee, if such spouse, son, daughter or parent has a serious
1140 health condition; or

1141 [(4)] (D) Because of a serious health condition of the employee.

1142 (b) Entitlement to leave under subparagraph (A) or (B) of
1143 subdivision [(1) or] (2) of subsection (a) of this section may accrue prior
1144 to the birth or placement of a son or daughter when such leave is
1145 required because of such impending birth or placement.

1146 (c) (1) Leave under subparagraph (A) or (B) of subdivision [(1) or]
1147 (2) of subsection (a) of this section for the birth or placement of a son or
1148 daughter may not be taken by an employee intermittently or on a
1149 reduced leave schedule unless the employee and the employer agree
1150 otherwise. Subject to subdivision (2) of this subsection concerning an
1151 alternative position, subdivision (2) of subsection (f) of this section
1152 concerning the duties of the employee and subdivision (5) of
1153 subsection (b) of section 31-51mm concerning sufficient certification,
1154 leave under subparagraph (C) or (D) of subdivision [(3) or (4)] (2) of
1155 subsection (a) of this section for a serious health condition may be
1156 taken intermittently or on a reduced leave schedule when medically
1157 necessary. The taking of leave intermittently or on a reduced leave
1158 schedule pursuant to this subsection shall not result in a reduction of
1159 the total amount of leave to which the employee is entitled under
1160 subsection (a) of this section beyond the amount of leave actually
1161 taken.

1162 (2) If an employee requests intermittent leave or leave on a reduced
1163 leave schedule under subparagraph (C) or (D) of subdivision [(3) or
1164 (4)] (2) of subsection (a) of this section that is foreseeable based on
1165 planned medical treatment, the employer may require the employee to
1166 transfer temporarily to an available alternative position offered by the
1167 employer for which the employee is qualified and that (A) has
1168 equivalent pay and benefits, and (B) better accommodates recurring

1169 periods of leave than the regular employment position of the
1170 employee, provided the exercise of this authority shall not conflict
1171 with any provision of a collective bargaining agreement between such
1172 employer and a labor organization which is the collective bargaining
1173 representative of the unit of which the employee is a part.

1174 (d) Except as provided in subsection (e) of this section, leave
1175 granted under subsection (a) of this section may consist of unpaid
1176 leave.

1177 (e) (1) If an employer provides paid leave for fewer than sixteen
1178 workweeks, the additional weeks of leave necessary to attain the
1179 sixteen workweeks of leave required under sections 5-248a and 31-
1180 51kk to 31-51qq, inclusive, may be provided without compensation.

1181 (2) (A) An eligible employee may elect, or an employer may require
1182 the employee, to substitute any of the accrued paid vacation leave,
1183 personal leave or family leave of the employee for leave provided
1184 under subparagraph (A), (B) or (C) of subdivision [(1), (2) or (3)] (2) of
1185 subsection (a) of this section for any part of this sixteen-week period of
1186 such leave under said subsection.

1187 (B) An eligible employee may elect, or an employer may require the
1188 employee, to substitute any of the accrued paid vacation leave,
1189 personal leave, or medical or sick leave of the employee for leave
1190 provided under subparagraph (C) or (D) of subdivision [(3) or (4)] (2)
1191 of subsection (a) of this section for any part of the sixteen-week period
1192 of such leave under said subsection, except that nothing in section 5-
1193 248a or sections 31-51kk to 31-51qq, inclusive, shall require an
1194 employer to provide paid sick leave or paid medical leave in any
1195 situation in which such employer would not normally provide any
1196 such paid leave.

1197 (f) (1) In any case in which the necessity for leave under
1198 subparagraph (A) or (B) of subdivision [(1) or] (2) of subsection (a) of
1199 this section is foreseeable based on an expected birth or placement of a
1200 son or daughter, the employee shall provide the employer with not

1201 less than thirty days' notice, before the date of the leave is to begin, of
1202 the employee's intention to take leave under said [subdivision (1) or
1203 (2)] subparagraph (A) or (B), except that if the date of the birth or
1204 placement of a son or daughter requires leave to begin in less than
1205 thirty days, the employee shall provide such notice as is practicable.

1206 (2) In any case in which the necessity for leave under subparagraph
1207 (C) or (D) of subdivision [(3) or (4)] (2) of subsection (a) of this section
1208 is foreseeable based on planned medical treatment, the employee (A)
1209 shall make a reasonable effort to schedule the treatment so as not to
1210 disrupt unduly the operations of the employer, subject to the approval
1211 of the health care provider of the employee or the health care provider
1212 of the son, daughter, spouse or parent of the employee, as appropriate;
1213 and (B) shall provide the employer with not less than thirty days'
1214 notice, before the date the leave is to begin, of the employee's intention
1215 to take leave under said [subdivision (3) or (4)] subparagraph (C) or
1216 (D), except that if the date of the treatment requires leave to begin in
1217 less than thirty days, the employee shall provide such notice as is
1218 practicable.

1219 (g) In any case in which a husband and wife entitled to leave under
1220 subsection (a) of this section are employed by the same employer, the
1221 aggregate number of workweeks of leave to which both may be
1222 entitled may be limited to sixteen workweeks during any twenty-four-
1223 month period, if such leave is taken: (1) Under subparagraph (A) or (B)
1224 of subdivision [(1) or] (2) of subsection (a) of this section; or (2) to care
1225 for a sick parent under [subdivision (3) of said subsection]
1226 subparagraph (C) of said subdivision.

1227 (h) Unpaid leave taken pursuant to sections 5-248a and 31-51kk to
1228 31-51qq, inclusive, shall not be construed to affect an employee's
1229 qualification for exemption under chapter 558.

1230 (i) Notwithstanding the provisions of sections 5-248a and 31-51kk to
1231 31-51qq, inclusive, all further rights granted by federal law shall
1232 remain in effect.

1233 Sec. 50. Section 31-51mm of the general statutes is repealed and the
1234 following is substituted in lieu thereof (*Effective from passage*):

1235 (a) An employer may require that request for leave based on a
1236 serious health condition in subparagraph (C) or (D) of subdivision [(3)
1237 or (4)] (2) of subsection (a) of section 31-51ll, as amended, be supported
1238 by a certification issued by the health care provider of the eligible
1239 employee or of the son, daughter, spouse or parent of the employee, as
1240 appropriate. The employee shall provide, in a timely manner, a copy of
1241 such certification to the employer.

1242 (b) Certification provided under subsection (a) of this section shall
1243 be sufficient if it states:

1244 (1) The date on which the serious health condition commenced;

1245 (2) The probable duration of the condition;

1246 (3) The appropriate medical facts within the knowledge of the
1247 health care provider regarding the condition;

1248 (4) (A) For purposes of leave under subparagraph (C) of subdivision
1249 [(3)] (2) of subsection (a) of section 31-51ll, as amended, a statement
1250 that the eligible employee is needed to care for the son, daughter,
1251 spouse or parent and an estimate of the amount of time that such
1252 employee needs to care for the son, daughter, spouse or parent; and (B)
1253 for purposes of leave under subparagraph (D) of subdivision [(4)] (2)
1254 of subsection (a) of section 31-51ll, as amended, a statement that the
1255 employee is unable to perform the functions of the position of the
1256 employee;

1257 (5) In the case of certification for intermittent leave or leave on a
1258 reduced leave schedule for planned medical treatment, the dates on
1259 which such treatment is expected to be given and the duration of such
1260 treatment;

1261 (6) In the case of certification for intermittent leave or leave on a
1262 reduced leave schedule under subparagraph (D) of subdivision [(4)] (2)

1263 of subsection (a) of section 31-51ll, as amended, a statement of the
1264 medical necessity of the intermittent leave or leave on a reduced leave
1265 schedule, and the expected duration of the intermittent leave or
1266 reduced leave schedule; and

1267 (7) In the case of certification for intermittent leave or leave on a
1268 reduced leave schedule under subparagraph (C) of subdivision [(3)] (2)
1269 of subsection (a) of section 31-51ll, as amended, a statement that the
1270 employee's intermittent leave or leave on a reduced leave schedule is
1271 necessary for the care of the son, daughter, parent or spouse who has a
1272 serious health condition, or will assist in their recovery, and the
1273 expected duration and schedule of the intermittent leave or reduced
1274 leave schedule.

1275 (c) (1) In any case in which the employer has reason to doubt the
1276 validity of the certification provided under subsection (a) of this
1277 section for leave under subparagraph (C) or (D) of subdivision [(3) or
1278 (4)] (2) of subsection (a) of section 31-51ll, as amended, the employer
1279 may require, at the expense of the employer, that the eligible employee
1280 obtain the opinion of a second health care provider designated or
1281 approved by the employer concerning any information certified under
1282 subsection (b) of this section for such leave.

1283 (2) A health care provider designated or approved under
1284 subdivision (1) of this subsection shall not be employed on a regular
1285 basis by the employer.

1286 (d) (1) In any case in which the second opinion described in
1287 subsection (c) of this section differs from the opinion in the original
1288 certification provided under subsection (a) of this section, the
1289 employer may require, at the expense of the employer, that the
1290 employee obtain the opinion of a third health care provider designated
1291 or approved jointly by the employer and the employee concerning the
1292 information certified under subsection (b) of this section.

1293 (2) The opinion of the third health care provider concerning the
1294 information certified under subsection (b) of this section shall be

1295 considered to be final and shall be binding on the employer and the
1296 employee.

1297 (e) The employer may require that the eligible employee obtain
1298 subsequent recertifications on a reasonable basis, provided the
1299 standards for determining what constitutes a reasonable basis for
1300 recertification may be governed by a collective bargaining agreement
1301 between such employer and a labor organization which is the
1302 collective bargaining representative of the unit of which the worker is
1303 a part if such a collective bargaining agreement is in effect. Unless
1304 otherwise required by the employee's health care provider, the
1305 employer may not require recertification more than once during a
1306 thirty-day period and, in any case, may not unreasonably require
1307 recertification. The employer shall pay for any recertification that is not
1308 covered by the employee's health insurance.

1309 Sec. 51. Subsection (d) of section 31-51nn of the general statutes is
1310 repealed and the following is substituted in lieu thereof (*Effective from*
1311 *passage*):

1312 (d) As a condition of restoration under subsection (a) of this section
1313 for an employee who has taken leave under subparagraph (D) of
1314 subdivision [(4)] (2) of subsection (a) of section 31-51ll, as amended, the
1315 employer may have a uniformly applied practice or policy that
1316 requires each such employee to receive certification from the health
1317 care provider of the employee that the employee is able to resume
1318 work, except that nothing in this subsection shall supersede a valid
1319 law of this state or a collective bargaining agreement that governs the
1320 return to work of such employees.

1321 Sec. 52. Subsection (c) of section 33-883 of the general statutes, as
1322 amended by section 28 of public act 03-18, is repealed and the
1323 following is substituted in lieu thereof (*Effective from passage*):

1324 (c) After the revocation of dissolution is authorized, the corporation
1325 may revoke the dissolution by delivering to the Secretary of the State
1326 for filing a certificate of revocation of dissolution that (1) sets forth:

1327 [(1)] (A) The name of the corporation; [(2)] (B) the effective date of the
1328 dissolution that was revoked; [(3)] (C) the date that the revocation of
1329 dissolution was authorized; [(4)] (D) if the corporation's board of
1330 directors, or incorporators, revoked the dissolution, a statement to that
1331 effect; [(5)] (E) if the corporation's board of directors revoked a
1332 dissolution authorized by the shareholders, a statement that revocation
1333 was permitted by action by the board of directors alone pursuant to
1334 that authorization; [(6)] and (F) if shareholder action was required to
1335 revoke the dissolution, the information required by subdivision (3) of
1336 subsection (a) of section 33-882, as amended; and [(7)] (2) if the name of
1337 the corporation whose dissolution is to be revoked is no longer
1338 available, [be] is accompanied by an amendment of the certificate of
1339 incorporation which changes the name of the corporation to an
1340 available name.

1341 Sec. 53. Subsection (c) of section 33-1173 of the general statutes, as
1342 amended by section 50 of public act 03-18, is repealed and the
1343 following is substituted in lieu thereof (*Effective from passage*):

1344 (c) After the revocation of dissolution is authorized, the corporation
1345 may revoke the dissolution by delivering to the Secretary of the State
1346 for filing a certificate of revocation of dissolution that (1) sets forth:
1347 [(1)] (A) The name of the corporation; [(2)] (B) the effective date of the
1348 dissolution that was revoked; [(3)] (C) the date that the revocation of
1349 dissolution was authorized; [(4)] (D) if the corporation's board of
1350 directors, or incorporators, revoked the dissolution, a statement to that
1351 effect; [(5)] (E) if the corporation's board of directors revoked a
1352 dissolution authorized by members, a statement that revocation was
1353 permitted by action of the board of directors alone pursuant to that
1354 authorization; [(6)] and (F) if member action was required to revoke
1355 the dissolution, the information required by subdivision (3) of
1356 subsection (a) of section 33-1172, as amended; and [(7)] (2) if the name
1357 of the corporation whose dissolution is to be revoked is no longer
1358 available, [be] is accompanied by an amendment of the certificate of
1359 incorporation which changes the name of the corporation to an
1360 available name.

1361 Sec. 54. Subsection (c) of section 34-38p of the general statutes is
1362 repealed and the following is substituted in lieu thereof (*Effective from*
1363 *passage*):

1364 (c) A foreign limited partnership's appointment of the [secretary of
1365 the state] Secretary of the State and his successors in office as its initial
1366 agent upon whom process may be served shall be included in the
1367 application for registration as provided in section 34-38g. A
1368 subsequent appointment of the Secretary of the State and his
1369 successors in office as a foreign limited partnership's agent upon
1370 whom process may be served shall be filed in the office of the
1371 Secretary of the State in such form as the secretary shall prescribe.

1372 Sec. 55. Subdivision (14) of section 34-101 of the general statutes, as
1373 amended by section 61 of public act 03-18, is repealed and the
1374 following is substituted in lieu thereof (*Effective from passage*):

1375 (14) "Member" or "members" means a person or persons who have
1376 been admitted to membership in a limited liability company as
1377 provided in section 34-179 and who [has] have not disassociated from
1378 the limited liability company as provided in section 34-180.

1379 Sec. 56. Subsection (b) of section 34-406 of the general statutes is
1380 repealed and the following is substituted in lieu thereof (*Effective from*
1381 *passage*):

1382 (b) The name of a registered limited liability partnership or foreign
1383 registered limited liability partnership shall be such as to distinguish it
1384 upon the records of the Secretary of the State from: (1) The name of
1385 any registered limited liability partnership, limited partnership,
1386 limited liability company or corporation existing under the laws of this
1387 state; (2) the name of any foreign registered limited liability
1388 partnership, foreign limited partnership, foreign limited liability
1389 company or foreign corporation authorized to transact business in this
1390 state; or (3) any name reserved under section 34-407 or reserved or
1391 registered under section 33-656, 33-657, 33-1045, 33-1046, 33-1047, 34-13
1392 or 34-103. [or subsection (a) of section 34-13.]

1393 Sec. 57. Subdivision (3) of subsection (a) of section 36a-468a of the
1394 general statutes, as amended by section 69 of public act 03-84, is
1395 repealed and the following is substituted in lieu thereof (*Effective from*
1396 *passage*):

1397 (3) A terminating Connecticut credit union shall give written notice
1398 of the date, time and place of the meeting at which its members shall
1399 vote on the plan of merger. Such notice shall state that the purpose of
1400 the meeting is to consider the plan of merger and contain or be
1401 accompanied by a copy or summary of the plan. The notice shall be
1402 hand-delivered or mailed to each member at such member's last-
1403 known address as shown on the records of the credit union not less
1404 than thirty [nor] or more than fifty days prior to the date of the
1405 meeting. Unless waived by the commissioner in accordance with
1406 subdivision (2) of subsection (b) of this subsection, the affirmative vote
1407 of two-thirds of the members of the terminating Connecticut credit
1408 union voting on the plan of merger shall be required for approval of
1409 the merger. The terminating Connecticut credit union shall file with
1410 the commissioner a verified statement that the merger has been duly
1411 noticed and approved by its members in accordance with this
1412 subdivision.

1413 Sec. 58. Subsection (c) of section 36a-468b of the general statutes, as
1414 amended by section 70 of public act 03-84, is repealed and the
1415 following is substituted in lieu thereof (*Effective from passage*):

1416 (c) The converting Connecticut credit union shall give written notice
1417 of the date, time and place of the meeting at which the plan of
1418 conversion is to be considered, which notice shall be hand-delivered or
1419 mailed to each member of the converting Connecticut credit union at
1420 such member's last-known address as shown on the records of such
1421 Connecticut credit union not less than thirty [nor] or more than fifty
1422 days prior to the date of the meeting.

1423 Sec. 59. Subdivision (4) of subsection (a) of section 36a-469c of the
1424 general statutes, as amended by section 72 of public act 03-84 and
1425 section 17 of public act 03-196, is repealed and the following is

1426 substituted in lieu thereof (*Effective from passage*):

1427 (4) In the case of a converting Connecticut credit union, the plan of
1428 conversion shall require the approval of a majority of the governing
1429 board. After approving the plan of conversion, the governing board of
1430 the converting Connecticut credit union shall establish the date and
1431 time of a regular or special meeting of members for vote on the
1432 proposal. Written notice of the meeting at which the proposal is to be
1433 considered together with a mail ballot and a disclosure statement shall
1434 be hand-delivered or mailed to each member, at such member's last-
1435 known address as shown on the records of the converting Connecticut
1436 credit union, not more than thirty days [nor] or less than fourteen days
1437 prior to the date of the meeting. The disclosure statement shall include,
1438 at a minimum, a description of (A) the reasons for the proposed
1439 conversion; (B) the differences between membership rights in the
1440 converting credit union and depositor rights in the proposed mutual
1441 savings bank, mutual savings and loan association or mutual
1442 community bank; and (C) the significant differences between the
1443 authorized powers of the converting credit union and those of the
1444 proposed mutual savings bank, mutual savings and loan association or
1445 mutual community bank. The notice, disclosure statement and mail
1446 ballot shall be submitted to the commissioner for approval prior to
1447 distribution to members. Each member of the converting Connecticut
1448 credit union may cast one vote on the proposal. The affirmative vote of
1449 two-thirds of all the members voting, including those votes cast in
1450 person and those ballots properly completed and received by the
1451 converting Connecticut credit union prior to the time of the meeting,
1452 shall be required for approval of the conversion.

1453 Sec. 60. Subsection (b) of section 36a-470a of the general statutes, as
1454 amended by section 73 of public act 03-84, is repealed and the
1455 following is substituted in lieu thereof (*Effective from passage*):

1456 (b) Within three days after a majority of the governing board has
1457 adopted a plan of dissolution of the Connecticut credit union, the
1458 governing board shall file with the commissioner a copy of such plan

1459 of dissolution, attested by the chairman or vice chairman and the
1460 secretary or treasurer, and inform the commissioner of the date on
1461 which the plan will be voted on by the members of the Connecticut
1462 credit union. The plan of dissolution shall be approved at an annual or
1463 special meeting of the members. Written notice of the date, time and
1464 place of the meeting at which the plan of dissolution is to be
1465 considered shall be hand-delivered or mailed to each member at such
1466 member's last-known address as shown on the records of the
1467 Connecticut credit union, not more than thirty [nor] or less than seven
1468 days prior to the date of the vote. The written notice shall clearly
1469 describe the plan and the reasons for the plan and shall notify the
1470 member of such member's right to vote on the plan in person, by proxy
1471 or by mail ballot, and shall have an official form of proxy or mail ballot
1472 attached. The affirmative vote of two-thirds of those members voting
1473 shall be required to approve the proposal. Upon receipt of the filing,
1474 the commissioner may by order appoint the National Credit Union
1475 Administration or its successor agency to act as liquidating agent.

1476 Sec. 61. Section 36b-41 of the general statutes, as amended by section
1477 88 of public act 03-19 and section 27 of public act 03-84, is repealed and
1478 the following is substituted in lieu thereof (*Effective from passage*):

1479 Except as otherwise provided in sections 36b-40 to 36b-52, inclusive,
1480 all terms used in said sections shall have the meanings ascribed to
1481 them under section 36-321 of the general statutes, revision of 1958,
1482 revised to January 1, 1977. As used in said sections:

1483 (1) "Target company" means any stock corporation which is
1484 organized under the laws of this state, has its principal executive office
1485 in this state and has, on a consolidated basis, five hundred or more
1486 employees and fifty million dollars of tangible assets in this state, other
1487 than: (A) A domestic insurance company, as defined in section 38a-1,
1488 as amended; (B) a bank, as defined in subdivision (3) of subsection (a)
1489 of section 36-419 of the general statutes, revision of 1958, revised to
1490 January 1, 1993, or a bank holding company, as defined in subdivision
1491 (1) of subsection (a) of section 36-419 of the general statutes, revision of

1492 1958, revised to January 1, 1993; (C) a public utility company or a
1493 holding company, as defined in Section 2 of the Federal Public Utility
1494 Holding Company Act of 1935, presently constituted as Section 79b of
1495 Title 15 of the United States Code, an acquisition of or by, or merger
1496 with which, is subject to approval by the appropriate federal agency as
1497 provided in said act; (D) a bank or bank holding company subject to
1498 the Federal Bank Holding Company Act of 1956, presently constituted
1499 as Section 1841 et seq. of Title 12 of the United States Code, an
1500 acquisition of or by, or merger with which, is subject to approval by
1501 the appropriate federal agency as provided in said act; or (E) a savings
1502 and loan holding company, as defined in Section 2 of the Federal
1503 Savings and Loan Holding Company Amendments of 1967, presently
1504 constituted as Section 1730a of Title 12 of the United States Code, an
1505 acquisition of or by, or merger with which, is subject to approval by
1506 the appropriate federal agency as provided in said act.

1507 (2) "Equity security" means (A) any stock or similar security
1508 carrying, at the time of the tender offer, the right to vote on any matter
1509 by virtue of the certificate of incorporation, bylaws or governing
1510 instrument of the target company or the right to vote for directors or
1511 persons performing substantially similar functions by operation of
1512 law; (B) any security, including debt securities, convertible into such
1513 stock or similar security; (C) any warrant or right to purchase such
1514 stock or similar security; (D) any security carrying any warrant to
1515 purchase such stock or similar security; or (E) any other security which
1516 for the protection of investors is deemed an equity security pursuant to
1517 regulation of the commissioner.

1518 (3) "Offeror" means a person who makes or in any way participates
1519 in making a tender offer, and includes all affiliates and associates of
1520 that person. The term does not include a financial institution, a broker
1521 or dealer loaning funds or extending credit to any offeror in the
1522 ordinary course of its business, or any accountant, attorney, financial
1523 institution, broker, dealer, newspaper or magazine of general
1524 circulation, consultant or other person furnishing services or advice to
1525 or performing ministerial or administrative duties for an offeror and

1526 not otherwise participating in the takeover offer.

1527 (4) "Affiliate" of a person means any person controlling, controlled
1528 by [,] or under common control with that person.

1529 (5) "Associate" of a person means any person acting jointly or in
1530 concert with that person for the purpose of acquiring, holding or
1531 disposing of, or exercising any voting rights attached to, the equity
1532 securities of a target company.

1533 (6) "Control", including the terms "controlling", "controlled by" [,]
1534 and "under common control with", means the possession of the power
1535 to direct or cause the direction of the management and policies of a
1536 person unless the power is the result of an official position or office.

1537 (7) "Offeree" means a record or beneficial owner of equity securities
1538 which an offeror acquires or offers to acquire in connection with a
1539 tender offer.

1540 (8) "Tender offer" means the offer to acquire, or the acquisition of,
1541 any equity security of a target company, pursuant to a tender offer or
1542 request or invitation for tenders, if after acquisition the offeror would
1543 be directly or indirectly a record or beneficial owner of more than ten
1544 per cent of any class of the outstanding equity securities of the target
1545 company, but shall not include: (A) A bid made by a dealer for that
1546 dealer's own account in the ordinary course of that dealer's business of
1547 buying and selling such equity securities; (B) broker transactions
1548 effected by or through a broker or dealer in the ordinary course of its
1549 business; (C) an offer to exchange the securities of one issuer for the
1550 securities of another issuer, if the offer is registered or exempt from
1551 registration under the Federal Securities Act of 1933; (D) any offer to
1552 acquire such equity securities for the sole account of the offeror if there
1553 are no more than one hundred record owners of the voting securities
1554 of the target company at the time of the offer; (E) an offer which, if
1555 accepted by all offerees, will not result in the offeror having acquired
1556 more than two per cent of the same class of equity securities of the
1557 issuer within the preceding twelve-month period; (F) an offer by the

1558 issuer to acquire its own equity securities; (G) an isolated offer to
1559 purchase equity securities from individual security holders and not
1560 made to security holders generally; (H) an offer involving a vote of
1561 shareholders of the target company on a merger, consolidation or sale
1562 of corporate assets in consideration of cash or the issuance of securities
1563 of another corporation; and (I) any offer which the commissioner, by
1564 regulation or order, and after notice to the offeror and target company,
1565 shall exempt from the definition of tender offer as not being entered
1566 into for the purpose of, and not having the effect of, changing or
1567 influencing the control of the target company or otherwise as not
1568 comprehended within the purposes of sections 36b-40 to 36b-52,
1569 inclusive.

1570 (9) "Commissioner" means the Banking Commissioner or any
1571 person designated by the Banking Commissioner to administer
1572 sections 36b-40 to 36b-52, inclusive.

1573 (10) "Schedule 14D-1" means the schedule 14D-1 as prescribed by
1574 the Securities and Exchange Commission or such other form
1575 pertaining to disclosures in tender offers as the commissioner by
1576 regulation, rule or order may designate.

1577 Sec. 62. Section 38a-475 of the general statutes is repealed and the
1578 following is substituted in lieu thereof (*Effective from passage*):

1579 The Insurance Department shall only precertify long-term care
1580 insurance policies which (1) alert the purchaser to the availability of
1581 consumer information and public education provided by the
1582 Department of Social Services pursuant to section [17a-307] 17b-251; (2)
1583 offer the option of home and community-based services in addition to
1584 nursing home care; (3) in all home care plans, include case
1585 management services delivered by an access agency approved by the
1586 Office of Policy and Management and the Department of Social
1587 Services as meeting the requirements for such agency as defined in
1588 regulations adopted pursuant to subsection (e) of section 17b-342,
1589 which services shall include, but need not be limited to, the
1590 development of a comprehensive individualized assessment and care

1591 plan and, as needed, the coordination of appropriate services and the
1592 monitoring of the delivery of such services; (4) provide inflation
1593 protection; (5) provide for the keeping of records and an explanation of
1594 benefit reports on insurance payments which count toward Medicaid
1595 resource exclusion; and (6) provide the management information and
1596 reports necessary to document the extent of Medicaid resource
1597 protection offered and to evaluate the Connecticut Partnership for
1598 Long-Term Care. No policy shall be precertified if it requires prior
1599 hospitalization or a prior stay in a nursing home as a condition of
1600 providing benefits. The commissioner may adopt regulations, in
1601 accordance with chapter 54, to carry out the precertification provisions
1602 of this section.

1603 Sec. 63. Subdivision (c) of section 38a-556 of the general statutes, as
1604 amended by section 68 of public act 03-6 of the June 30 special session,
1605 is repealed and the following is substituted in lieu thereof (*Effective*
1606 *from passage*):

1607 (c) Every member shall participate in the association in accordance
1608 with the provisions of this subdivision. (1) A participating member
1609 shall determine the particular risks it elects to have written by or
1610 through the association. A member shall designate which of the
1611 following classes of risks it shall underwrite in the state, from which
1612 classes of risk it may elect to reinsure selected risks: (A) Individual,
1613 excluding group conversion; and (B) individual, including group
1614 conversion. (2) No member shall be permitted to select out individual
1615 lives from an employer group to be insured by or through the
1616 association. Members electing to administer risks which are insured by
1617 or through the association shall comply with the benefit determination
1618 guidelines and the accounting procedures established by the
1619 association. A risk insured by or through the association cannot be
1620 withdrawn by the participating member except in accordance with the
1621 rules established by the association. (3) Rates for coverage issued by or
1622 through the association shall not be excessive, inadequate or unfairly
1623 discriminatory. Separate scales of premium rates based on age shall
1624 apply, but rates shall not be adjusted for area variations in provider

1625 costs. Premium rates shall take into consideration the substantial extra
1626 morbidity and administrative expenses for association risks,
1627 reimbursement or reasonable expenses incurred for the writing of
1628 association risks and the level of rates charged by insurers for groups
1629 of ten lives, provided incurred losses which result from provision of
1630 coverage in accordance with section 38a-537 shall not be considered. In
1631 no event shall the rate for a given classification or group be less than
1632 one hundred twenty-five per cent [nor] or more than one hundred fifty
1633 per cent of the average rate charged for that classification with similar
1634 characteristics under a policy covering ten lives. All rates shall be
1635 promulgated by the association through an actuarial committee
1636 consisting of five persons who are members of the American Academy
1637 of Actuaries, shall be filed with the commissioner and may be
1638 disapproved within sixty days from the filing thereof if excessive,
1639 inadequate [,] or unfairly discriminatory.

1640 Sec. 64. Subsection (d) of section 38a-702g of the general statutes is
1641 repealed and the following is substituted in lieu thereof (*Effective from*
1642 *passage*):

1643 (d) Notwithstanding any other provision of sections 38a-702a to 38a-
1644 702r, inclusive, a person licensed as a surplus lines broker in the
1645 person's home state shall receive a nonresident surplus lines broker
1646 license pursuant to subsection (a) of this section. Except as provided in
1647 subsection (a) of this section, nothing in this section otherwise amends
1648 or [supercedes] supersedes any provision of sections 38a-740 to 38a-
1649 745, inclusive.

1650 Sec. 65. Subsection (b) of section 38a-981 of the general statutes, as
1651 amended by section 3 of public act 03-119, is repealed and the
1652 following is substituted in lieu thereof (*Effective from passage*):

1653 (b) (1) An insurance institution or a third-party administrator
1654 providing insurance or administrative services with respect to an
1655 employer's employee benefit plan which provides its employees with
1656 health benefits shall, upon written request of an exclusive bargaining
1657 agent for such employees, provide such bargaining agent with

1658 information regarding description of health benefits available to such
1659 employees, claim experience regarding such benefits and the cost to
1660 the employer for such coverage or administrative services, as the case
1661 may be, for employees in the bargaining unit represented by such
1662 bargaining agent. If such employees constitute a subgroup of a multi-
1663 bargaining-unit group, the information provided by the [insurer]
1664 insurance institution or administrator shall, upon written request of
1665 the exclusive bargaining agent for the subgroup, include a description
1666 of available health benefits, claim experience regarding such benefits
1667 and the cost to the employer for such coverage or administrative
1668 services, as the case may be, for the entire multi-bargaining-unit group
1669 or for subgroups within the multi-bargaining-unit group. A copy of
1670 such information shall be provided at the same time to the employer
1671 by the insurance institution or administrator. Such information shall be
1672 made available to the bargaining agent and the employer only if the
1673 bargaining agent agrees in writing to pay all reasonable costs, as
1674 determined by the insurance institution or administrator, that are
1675 incurred by the insurance institution or administrator in developing
1676 and distributing the information. The information provided to such
1677 agent shall relate to the group of employees as a whole and shall not
1678 include any information relating to specific individuals. No requests
1679 made pursuant to this subdivision may seek information which relates
1680 to a period of time more than twenty-four months prior to the date
1681 such request was made.

1682 (2) Prior to providing any information pursuant to subdivision (1) of
1683 this subsection, an insurance institution or third-party administrator
1684 may require the bargaining agent requesting such information to
1685 provide evidence in writing that such bargaining agent is currently
1686 designated or certified by the proper state or federal authority as the
1687 exclusive bargaining representative or agent of the employees who are
1688 the subject of the request.

1689 (3) The provisions of this subsection shall not apply to employees
1690 participating in an employee welfare benefit plan subject to the
1691 provisions of Title I of the Employee Retirement Income Security Act

1692 of 1974 (ERISA), Public Law 93-406, as amended from time to time, or
1693 to the exclusive bargaining agents of such employees.

1694 Sec. 66. Subsection (d) of section 45a-8 of the general statutes is
1695 repealed and the following is substituted in lieu thereof (*Effective from*
1696 *passage*):

1697 (d) Any town located in a probate district that desires to (1)
1698 consolidate such probate district with one or more districts, (2) be
1699 removed from such probate district to a separate district established
1700 for any such town, or (3) be located in another probate district, may, by
1701 resolution of its legislative body, petition the General Assembly for
1702 such consolidation, separation and creation of a new probate district or
1703 relocation. The Probate Court Administrator shall provide such
1704 assistance in the preparation of the petition as the officials of the town
1705 or towns may request. At the time of submission of a petition to the
1706 General Assembly, a copy of the petition shall be sent to the judges of
1707 probate in the probate districts to be affected. No probate district may
1708 be consolidated with another district until the expiration of the term of
1709 office of any probate judge in an affected probate district.

1710 Sec. 67. Subsection (b) of section 45a-78 of the general statutes is
1711 repealed and the following is substituted in lieu thereof (*Effective from*
1712 *passage*):

1713 (b) The Probate Court Administrator shall, from time to time,
1714 compile into a probate practice book all rules regarding practice and
1715 procedure in the courts of probate [,] and all forms prescribed for use
1716 in probate courts. [He] The Probate Court Administrator shall cause
1717 the probate practice book to be published, shall pay for the probate
1718 practice book from the [trust] fund [provided for by] established under
1719 section 45a-82, as amended, and shall sell the probate practice book, at
1720 a price determined by [him] the Probate Court Administrator. The
1721 proceeds from the sales shall be added to and shall become a part of
1722 [such trust] said fund.

1723 Sec. 68. Section 45a-80 of the general statutes is repealed and the

1724 following is substituted in lieu thereof (*Effective from passage*):

1725 (a) The Commissioner of Public Works shall provide such office
1726 space for the conduct of the duties of the office of the Probate Court
1727 Administrator as the [administrator] Probate Court Administrator
1728 approves. The expenses of the office space shall be paid from the
1729 [trust] fund established under section 45a-82, as amended.

1730 (b) The Probate Court Administrator shall purchase furniture,
1731 stationery, office supplies, typewriters, filing cabinets and [whatever]
1732 such other equipment, apparatus and supplies, contractual services
1733 and other services as the Probate Court Administrator deems
1734 necessary or advisable for the expeditious conduct of the duties of the
1735 office and shall pay for them from the [trust] fund established under
1736 section 45a-82, as amended, subject to the provisions of section 45a-83.

1737 Sec. 69. Subsection (i) of section 45a-82 of the general statutes is
1738 repealed and the following is substituted in lieu thereof (*Effective from*
1739 *passage*):

1740 (i) The State Treasurer shall, on or before October first, annually,
1741 give an accounting of the Probate Court Administration Fund,
1742 showing the receipts and disbursements and the balance or condition
1743 thereof, as of the preceding June thirtieth, to the Connecticut Probate
1744 Assembly and to the joint standing committee [on] of the General
1745 Assembly having cognizance of matters relating to the judiciary.

1746 Sec. 70. Section 45a-83 of the general statutes is repealed and the
1747 following is substituted in lieu thereof (*Effective from passage*):

1748 If at any time the [trust] fund established [by] under section 45a-82,
1749 as amended, is insufficient to pay the several charges to be paid from
1750 it, the Comptroller shall draw his order on the Treasurer for payment,
1751 from the General Fund, of such sums as are necessary to pay such
1752 charges. When the amount in the [trust] fund established [by] under
1753 said section is more than sufficient to meet the requirements imposed
1754 upon it by law, other than amounts which are required to make the

1755 retirement fund established [by] under section 45a-35 actuarially
1756 sound, all as certified by the Probate Court Administrator, there shall
1757 be paid over to the General Fund from the [trust] fund established [by]
1758 under section 45a-82, as amended, any moneys paid from the General
1759 Fund under this section.

1760 Sec. 71. Section 45a-668 of the general statutes, as amended by
1761 section 1 of public act 03-51, is repealed and the following is
1762 substituted in lieu thereof (*Effective from passage*):

1763 Guardians of the property, and limited guardians of the property, of
1764 persons who are not minors and who are persons with mental
1765 retardation, appointed as such guardians or limited guardians under
1766 chapter 779a prior to October 1, 1982, shall serve on or after October 1,
1767 1982, as conservators of the estates of such persons as if appointed
1768 conservators under the provisions of sections 45a-644 to 45a-662,
1769 inclusive, and in accordance with the provisions of said sections. Any
1770 guardian of the person or property of a [minor person who is mentally
1771 retarded] person with mental retardation who is a minor, appointed
1772 under chapter 779a, prior to October 1, 1982, may continue to serve as
1773 such guardian on or after October 1, 1982, as if appointed under and in
1774 accordance with the provisions of sections 45a-132, 45a-593 to 45a-597,
1775 inclusive, 45a-603 to 45a-662, inclusive, or 45a-629 to 45a-638, inclusive,
1776 relative to guardians of minors. Such guardianship shall terminate
1777 upon the [minor] minor's reaching the age of eighteen. Continuation of
1778 the guardianship of the estate shall be by application made pursuant to
1779 the provisions of sections 45a-644 to 45a-662, inclusive. Continuation of
1780 the guardianship of the person shall be by application made pursuant
1781 to the provisions of sections 45a-668 to 45a-684, inclusive. Any
1782 guardian of the person of a person with mental retardation who is not
1783 a minor, appointed under chapter 779a prior to October 1, 1982, may
1784 continue to serve as such guardian after October 1, 1982. Upon filing of
1785 a periodic account by any guardian appointed under the provisions of
1786 chapter 779a, prior to October 1, 1982, the court shall require a probate
1787 bond in the same manner as under sections 45a-132, 45a-593 to 45a-597,
1788 inclusive, 45a-603 to 45a-622, inclusive, 45a-629 to 45a-638, inclusive, or

1789 45a-644 to 45a-662, inclusive. Failure to furnish a probate bond or
1790 written acceptance of guardianship required under the provisions of
1791 said sections [.] shall be cause for termination of the continued service
1792 of the fiduciary provided for in this section.

1793 Sec. 72. Subdivision (5) of section 46a-11 of the general statutes, as
1794 amended by section 1 of public act 03-88, is repealed and the following
1795 is substituted in lieu thereof (*Effective from passage*):

1796 (5) Request and receive information, including personal data,
1797 concerning a person with a disability from any state or private agency,
1798 with the consent of such person with a disability, or the parent or
1799 guardian of such person, as appropriate. With respect to a
1800 developmentally disabled adult who has no guardian or whose
1801 guardian is an employee of the Department of Mental Retardation, the
1802 director may request and receive such information only if:

1803 (A) A request for advocacy services has been made on [his] such
1804 person's behalf;

1805 (B) Such person does not indicate refusal to give consent to receipt
1806 to the information by the director;

1807 (C) Such person resides in a facility for developmentally disabled
1808 persons, including any institution, as defined in subsection (a) of
1809 section 19a-490, as amended, or has been placed in a boarding home,
1810 group home or other residential facility pursuant to section 17a-277;

1811 (D) Such person has received an explanation of the manner in which
1812 any information obtained concerning [him] such person will be used
1813 by the advocacy office;

1814 (E) Such person has received an explanation of [his] such person's
1815 right to refuse to allow the director to request or receive such
1816 information; [.] and

1817 (F) The director has documented [his] the director's conscientious
1818 efforts to provide the required explanations and verified that the

1819 developmentally disabled person has not indicated refusal to give
1820 consent.

1821 Sec. 73. Section 46b-35 of the general statutes is repealed and the
1822 following is substituted in lieu thereof (*Effective from passage*):

1823 The certificates required by sections 46b-24, [to 46b-27, inclusive,] as
1824 amended, 46b-24a, as amended, 46b-25 and 46b-29 to 46b-34, inclusive,
1825 or an affidavit recorded pursuant to subsection (b) of section 46b-34,
1826 shall be prima facie evidence of the facts stated in them.

1827 Sec. 74. Subdivision (2) of subsection (a) of section 46b-220 of the
1828 general statutes is repealed and the following is substituted in lieu
1829 thereof (*Effective from passage*):

1830 (2) "License" means each license, certification or permit to engage in
1831 a profession or occupation regulated pursuant to the provisions of title
1832 19a, 20 or 21, a motor vehicle operator's license or a commercial
1833 driver's license issued by the Commissioner of Motor Vehicles in
1834 accordance with chapter 246, and [licensees] licenses and permits
1835 issued by the Department of Environmental Protection pursuant to
1836 part III of chapter 490. [of title 26;]

1837 Sec. 75. Section 47-34a of the general statutes, as amended by section
1838 82 of public act 03-115, is repealed and the following is substituted in
1839 lieu thereof (*Effective from passage*):

1840 (a) Any person who knowingly injures, destroys, disturbs or
1841 removes any marker properly placed on any tract of land or street or
1842 highway line by a surveyor, or by any person at the direction of a
1843 surveyor, for the purpose of designating any point, course or line in
1844 the boundary of such tract of land, street or highway, shall be fined not
1845 less than five hundred dollars [nor] or more than one thousand dollars.

1846 (b) Notwithstanding the provisions of subsection (a) of this section,
1847 a surveyor licensed under chapter 391, or a person acting at the
1848 direction of any such licensed surveyor, may remove an existing
1849 marker in order to place an upgraded marker in the same location.

1850 (c) Any person who knowingly injures, destroys, disturbs or
1851 removes any monument that has been established by the National
1852 Geodetic Survey or Connecticut Geodetic Survey for use in the
1853 determination of spatial location relative to the Connecticut coordinate
1854 systems specified in section 13a-255, as amended, or precise elevation
1855 datum shall be fined not less than two thousand dollars [nor] or more
1856 than five thousand dollars.

1857 Sec. 76. Subsection (b) of section 49-15 of the general statutes, as
1858 amended by section 9 of public act 03-202, is repealed and the
1859 following is substituted in lieu thereof (*Effective from passage*):

1860 (b) Upon the filing of a bankruptcy petition by a mortgagor under
1861 Chapter 13 of Title 11 of the United States Code, any judgment against
1862 the mortgagor foreclosing the title to real estate by strict foreclosure
1863 shall be opened automatically without action by any party or the court,
1864 provided, the provisions of such judgment, other than the
1865 establishment of law days, shall not be set aside under this subsection;
1866 but no such judgment shall be opened after the title has become
1867 absolute in any encumbrancer or the mortgagee, or any person
1868 claiming under such encumbrancer or mortgagee. The mortgagor shall
1869 file a copy of the bankruptcy petition, or an affidavit setting forth the
1870 date the bankruptcy petition was filed, with the clerk of the court in
1871 which the foreclosure matter is pending. Upon the [determination]
1872 termination of the automatic stay authorized pursuant to 11 USC 362,
1873 the mortgagor shall file with such clerk an affidavit setting forth the
1874 date the stay was terminated.

1875 Sec. 77. Subsection (a) of section 49-55a of the general statutes is
1876 repealed and the following is substituted in lieu thereof (*Effective from*
1877 *passage*):

1878 (a) Upon the possession of the vessel by a lienor, he shall cause a
1879 notice of a vessel lien, in quadruplicate, to be filed on a form provided
1880 by the Secretary of the State with the office of [said] the secretary on
1881 which he shall also indicate the date and place of the sale of the vessel,
1882 which date of sale shall be at least sixty days next succeeding the filing

1883 of the notice. The lienor shall, within seven days of the filing, send by
1884 certified mail a copy of [this] such notice to the person indicated as the
1885 owner of the vessel, and to anyone who has filed with the Secretary of
1886 the State claiming a legal or equitable interest in the vessel. The fees for
1887 [this] such notice and procedure shall be set by the Secretary of the
1888 State.

1889 Sec. 78. Subsection (a) of section 49-92h of the general statutes is
1890 repealed and the following is substituted in lieu thereof (*Effective from*
1891 *passage*):

1892 (a) Upon the possession of the aircraft by a lienor, he shall cause a
1893 notice of an aircraft lien, in quadruplicate, to be filed on a form
1894 provided by the Secretary of the State with the office of [said] the
1895 secretary on which he shall also indicate the date and place of the sale
1896 of the aircraft, which date of sale shall be at least sixty days next
1897 succeeding the filing of the notice. The lienor shall, within seven days
1898 of the filing, send by certified mail a copy of [this] such notice to the
1899 person indicated as the owner of the aircraft, and to anyone who has
1900 filed with the Secretary of the State claiming a legal or equitable
1901 interest in the aircraft. The fees for [this] such notice and procedure
1902 shall be set by the [secretary of the state] Secretary of the State.

1903 Sec. 79. Subsection (d) of section 52-50 of the general statutes is
1904 repealed and the following is substituted in lieu thereof (*Effective from*
1905 *passage*):

1906 (d) Service of motions for modification, motions for contempt and
1907 wage withholdings in any matter involving child support, including,
1908 but not limited to, petitions for support authorized under sections
1909 [17b-748] 17b-745, as amended, and 46b-215, as amended, and those
1910 matters involving a beneficiary of care or assistance from the state,
1911 may be made by a support enforcement officer or support services
1912 investigator of the Superior Court.

1913 Sec. 80. Section 52-367a of the general statutes, as amended by
1914 section 48 of public act 03-2, section 22 of public act 03-62, section 40 of

1915 public act 03-84 and section 12 of public act 03-224, is repealed and the
1916 following is substituted in lieu thereof (*Effective from passage*):

1917 (a) As used in this section and section 52-367b, as amended,
1918 "financial institution" means any bank, savings bank, savings and loan
1919 association or credit union organized, chartered or licensed under the
1920 laws of this state or the United States and having its main office in this
1921 state, or any similar out-of-state institution having a branch office in
1922 this state.

1923 (b) Execution may be granted pursuant to this section against any
1924 debts due from any financial institution to a judgment debtor which is
1925 not a natural person. If execution is desired against any such debt, the
1926 plaintiff requesting the execution shall make application to the clerk of
1927 the court. The application shall be accompanied by a fee of thirty-five
1928 dollars payable to the clerk of the court for the administrative costs of
1929 complying with the provisions of this section which fee may be
1930 recoverable by the judgment creditor as a taxable cost of the action.
1931 The clerk shall issue such execution containing a direction that the
1932 officer serving such execution shall make demand (1) upon the main
1933 office of any financial institution having its main office within the
1934 county of the serving officer, or (2) if such main office is not within the
1935 serving officer's county and such financial institution has one or more
1936 branch offices within such county, upon an employee of such a branch
1937 office, such employee and branch office having been designated by the
1938 financial institution in accordance with regulations adopted by the
1939 Banking Commissioner, in accordance with chapter 54, for the
1940 payment of any debt due to the judgment debtor, and, after having
1941 made such demand, shall serve a true and attested copy thereof, with
1942 the serving officer's actions thereon endorsed, with the financial
1943 institution officer upon whom such demand is made.

1944 (c) If any such financial institution upon which such execution is
1945 served and upon which such demand is made is indebted to the
1946 judgment debtor, the [banking] financial institution shall remove from
1947 the judgment debtor's account the amount of such indebtedness not

1948 exceeding the amount due on such execution. Except as provided in
1949 subsection (d) of this section, the [banking] financial institution shall
1950 immediately pay to such serving officer the amount removed from the
1951 judgment debtor's account, which amount shall be received and
1952 applied on such execution by such serving officer. Such financial
1953 institution shall act upon such execution according to section 42a-4-303
1954 before its midnight deadline, as defined in section 42a-4-104. Nothing
1955 in this subsection shall be construed to affect any other rights or
1956 obligations of the [banking] financial institution with regard to funds
1957 in the judgment debtor's account.

1958 (d) If the deposit account is subject to a security interest of a secured
1959 party, other than the [banking] financial institution upon which such
1960 execution is served and upon which such demand is made, pursuant
1961 to a control agreement between the [banking] financial institution and
1962 such secured party under article 9 of title 42a, and if any funds are
1963 removed from the judgment debtor's account pursuant to subsection
1964 (c) of this section, the [banking] financial institution shall forthwith
1965 mail a copy of the execution when received from the serving officer,
1966 postage prepaid, to the judgment debtor and to such other secured
1967 party at the last known address of such parties with respect to the
1968 affected accounts on the records of the [banking] financial institution.
1969 The [banking] financial institution shall hold the amount removed
1970 from the judgment debtor's account pursuant to subsection (c) of this
1971 section for twenty days from the date of the mailing to the judgment
1972 debtor and such other secured party, and during such period shall not
1973 pay the serving officer.

1974 (e) To prevent the [banking] financial institution from paying the
1975 serving officer, as provided in subsection (h) of this section, such other
1976 secured party shall give notice of its prior perfected security interest in
1977 such deposit account, by delivering to the clerk of the court that issued
1978 the execution a written claim for determination of interests in property
1979 pursuant to section 52-356c and by delivering a copy of such claim to
1980 the [banking] financial institution upon which such execution is
1981 served.

1982 (f) Upon receipt of a written claim for determination of interests in
1983 property made pursuant to subsection (e) of this section, the clerk of
1984 the court shall enter the appearance of the secured party with the
1985 address set forth in the written claim. The clerk shall forthwith send
1986 file-stamped copies of the written claim to the judgment creditor, the
1987 judgment debtor and the [banking] financial institution upon which
1988 such execution was served with a notice stating that the disputed
1989 funds are being held until a court order is entered regarding the
1990 disposition of the funds.

1991 (g) If a written claim for determination of interests in property is
1992 made pursuant to subsection (e) of this section, the [banking] financial
1993 institution shall continue to hold the amount removed from the
1994 judgment debtor's account until a court order is received regarding
1995 disposition of the funds.

1996 (h) If no written claim for determination of interests in property is
1997 made pursuant to subsection (e) of this section, the [banking] financial
1998 institution shall, upon demand, forthwith pay the serving officer the
1999 amount removed from the judgment debtor's account, and the serving
2000 officer shall thereupon pay such sum, less such serving officer's fees, to
2001 the judgment creditor, except to the extent otherwise ordered by a
2002 court.

2003 (i) If a written claim for determination of interests in property is
2004 made pursuant to subsection (e) of this section, the clerk of the court,
2005 after a judgment or order is entered pursuant to section 52-356c, shall
2006 forthwith send a copy of such judgment or order to the [banking]
2007 financial institution. Such judgment or order shall be deemed to be a
2008 final judgment for the purposes of appeal. No appeal shall be taken
2009 except within seven days of the rendering of the judgment or order.
2010 The judgment or order of the court may be implemented during such
2011 seven-day period, unless stayed by the court.

2012 (j) If records or testimony are subpoenaed from a [banking] financial
2013 institution in connection with a hearing conducted pursuant to section
2014 52-356c on a written claim for determination of interests in property

2015 made pursuant to subsection (e) of this section, the reasonable costs
2016 and expenses of the [banking] financial institution in complying with
2017 the subpoena shall be recoverable by the [banking] financial institution
2018 from the party requiring such records or testimony, provided the
2019 [banking] financial institution shall be under no obligation to attempt
2020 to obtain records or documentation relating to the account executed
2021 against that are held by any other [banking] financial institution. The
2022 records of a [banking] financial institution as to the dates and amounts
2023 of deposits into an account in the [banking] financial institution shall,
2024 if certified as true and accurate by an officer of the [banking] financial
2025 institution, be admissible as evidence without the presence of the
2026 officer in any hearing conducted pursuant to section 52-356c to
2027 determine the legitimacy of a claim of an interest in property made
2028 under subsection (e) of this section.

2029 (k) If such financial institution fails or refuses to pay over to such
2030 serving officer the amount of such debt, not exceeding the amount due
2031 on such execution, such financial institution shall be liable in an action
2032 therefor to the judgment creditor named in such execution, and the
2033 amount so recovered by such judgment creditor shall be applied
2034 toward the payment of the amount due on such execution.

2035 (l) Except as provided in subsection (k) of this section, no [banking]
2036 financial institution or any officer, director or employee of such
2037 [banking] financial institution shall be liable to any person with respect
2038 to any act done or omitted in good faith or through the commission of
2039 a bona fide error that occurred despite reasonable procedures
2040 maintained by the [banking] financial institution to prevent such errors
2041 in complying with the provisions of this section.

2042 (m) Nothing in this section shall in any way restrict the rights and
2043 remedies otherwise available to a judgment debtor or to any such
2044 secured party at law or in equity.

2045 Sec. 81. Subsections (d) and (e) of section 52-367b of the general
2046 statutes, as amended by section 23 of public act 03-62 and section 13 of
2047 public act 03-224, are repealed and the following is substituted in lieu

2048 thereof (*Effective from passage*):

2049 (d) If any funds are removed from the judgment debtor's account
2050 pursuant to subsection (c) of this section, upon receipt of the execution
2051 and exemption claim form from the serving officer, the financial
2052 institution shall forthwith mail copies thereof, postage prepaid, to the
2053 judgment debtor and to any secured party that is party to a control
2054 agreement between the [banking] financial institution and such
2055 secured party under article 9 of title 42a at the last known address of
2056 the judgment debtor and of any such secured party with respect to the
2057 affected accounts on the records of the financial institution. The
2058 financial institution shall hold the amount removed from the judgment
2059 debtor's account pursuant to subsection (c) of this section for fifteen
2060 days from the date of the mailing to the judgment debtor and any such
2061 secured party, and during such period shall not pay the serving officer.

2062 (e) To prevent the financial institution from paying the serving
2063 officer, as provided in subsection (h) of this section, the judgment
2064 debtor shall give notice of a claim of exemption by delivering to the
2065 financial institution, by mail or other means, the exemption claim form
2066 or other written notice that an exemption is being claimed and any
2067 such secured party shall give notice of its claim of a prior perfected
2068 security interest in such deposit account by delivering to the [banking]
2069 financial institution, by mail or other means, written notice thereof.
2070 The financial institution may designate an address to which the notice
2071 of a claim of exemption, or a secured party claim notice, shall be
2072 delivered. Upon receipt of such notice, the financial institution shall,
2073 within two business days, send a copy of such notice to the clerk of the
2074 court which issued the execution.

2075 Sec. 82. Subsection (a) of section 53-304 of the general statutes is
2076 repealed and the following is substituted in lieu thereof (*Effective from*
2077 *passage*):

2078 (a) Any person who neglects or refuses to furnish reasonably
2079 necessary support to the person's spouse, child under the age of
2080 eighteen or parent under the age of sixty-five shall be deemed guilty of

2081 nonsupport and shall be imprisoned not more than one year, unless
2082 the person shows to the court before which the trial is had that, owing
2083 to physical incapacity or other good cause, the person is unable to
2084 furnish such support. [Such] The court may suspend the execution of
2085 any community correctional center sentence imposed, upon any terms
2086 or conditions that it deems just, may suspend the execution of the
2087 balance of any such sentence in a like manner, and, in addition to any
2088 other sentence or in lieu thereof, may order that the person convicted
2089 shall pay to the Commissioner of Administrative Services directly or
2090 through Support Enforcement Services of the Superior Court, such
2091 support, in such amount as the court may find commensurate with the
2092 necessities of the case and the ability of such person, for such period as
2093 the court shall determine. Any such order of support may, at any time
2094 thereafter, be set aside or altered by [such] the court for cause shown.
2095 Failure of any defendant to make any payment may be punished as
2096 contempt of court and, in addition thereto or in lieu thereof, the court
2097 may order the issuance of a wage withholding in the same manner as
2098 is provided in section [17b-748,] 17b-745, as amended, which
2099 withholding order shall have the same precedence as is provided in
2100 section 52-362, as amended. The amounts withheld under such
2101 withholding order shall be remitted to the Department of
2102 Administrative Services by the person or corporation to whom the
2103 withholding order is presented at such intervals as such withholding
2104 order directs. For the purposes of this section, [the term] "child" [shall
2105 include] includes one born out of wedlock whose father has
2106 acknowledged in writing his paternity of such child or has been
2107 adjudged the father by a court of competent jurisdiction.

2108 Sec. 83. Subsection (b) of section 54-1m of the general statutes, as
2109 amended by section 1 of public act 03-160, is repealed and the
2110 following is substituted in lieu thereof (*Effective from passage*):

2111 (b) Commencing on January 1, 2000, each municipal police
2112 department and the Department of Public Safety shall, using the form
2113 developed and promulgated pursuant to subsection [(i)] (h) of this
2114 section, record and retain the following information: (1) The number of

2115 persons stopped for traffic violations; (2) characteristics of race, color,
2116 ethnicity, gender and age of such persons, provided the identification
2117 of such characteristics shall be based on the observation and
2118 perception of the police officer responsible for reporting the stop and
2119 the information shall not be required to be provided by the person
2120 stopped; (3) the nature of the alleged traffic violation that resulted in
2121 the stop; (4) whether a warning or citation was issued, an arrest made
2122 or a search conducted as a result of the stop; and (5) any additional
2123 information that such municipal police department or the Department
2124 of Public Safety, as the case may be, deems appropriate, provided such
2125 information does not include any other identifying information about
2126 any person stopped for a traffic violation such as the person's
2127 operator's license number, name or address.

2128 Sec. 84. Subsection (c) of section 54-128 of the general statutes is
2129 repealed and the following is substituted in lieu thereof (*Effective from*
2130 *passage*):

2131 (c) Any person who, during the service of a period of special parole
2132 imposed in accordance with subdivision (9) of subsection (b) of section
2133 53a-28, has been returned to the custody of the Commissioner of
2134 Correction or any institution of the Department of Correction for
2135 violation of his parole, may be retained in the institution from which
2136 he was paroled for a period equal to the unexpired portion of the
2137 period of special parole. The total length of the term of incarceration
2138 and term of special parole combined shall not exceed the maximum
2139 sentence of incarceration authorized for the offense for which the
2140 person was convicted.

2141 Sec. 85. Subsection (d) of section 2 of public act 03-114 is repealed
2142 and the following is substituted in lieu thereof (*Effective from passage*):

2143 (d) Any person under the minimum age for the purchase of
2144 alcoholic liquor under the provisions of chapter 545 who, for the
2145 purpose of gaining access to a gaming facility, (1) misrepresents such
2146 person's age, or (2) uses or exhibits (A) a forged, counterfeit or altered
2147 government-issued identity card, passport or motor vehicle operator's

2148 license, or (B) a government-issued identity card, passport or motor
2149 vehicle operator's license belonging to any other person, shall be fined
2150 not less than one hundred dollars [nor] or more than five hundred
2151 dollars or imprisoned not more than thirty days, or both.

2152 Sec. 86. Subsection (b) of section 1 of public act 03-233 is repealed
2153 and the following is substituted in lieu thereof (*Effective from passage*):

2154 (b) Any person who violates the provisions of subsection (a) of this
2155 section shall, for a first offense, be fined not less than one hundred fifty
2156 dollars [nor] or more than two hundred dollars or imprisoned not
2157 more than ninety days, or both, and, for any subsequent offense, be
2158 fined not less than two hundred dollars [nor] or more than six
2159 hundred dollars or imprisoned not more than one year, or both.

2160 Sec. 87. Section 38 of public act 03-259 is repealed and the following
2161 is substituted in lieu thereof (*Effective from passage*):

2162 [(a)] A violation of section 33 or sections 35 to 37, inclusive, of [this
2163 act] public act 03-259 shall be deemed an unfair or deceptive trade
2164 practice under subsection (a) of section 42-110b, provided the
2165 provisions of section 42-110g, as amended, shall not apply to such
2166 violation.

2167 Sec. 88. Section 3 of public act 03-266 is repealed and the following is
2168 substituted in lieu thereof (*Effective from passage*):

2169 (a) No hospital shall refer to a collection agent, as defined in section
2170 [19-509b] 19a-509b, as amended, or initiate an action against an
2171 individual patient or such patient's estate to collect fees arising from
2172 care provided at a hospital on or after October 1, 2003, unless the
2173 hospital has made a determination that such individual is an
2174 uninsured patient, as defined in section 19a-673, as amended, and is
2175 not eligible for the hospital bed fund.

2176 (b) Nothing in this section shall [effect] affect a hospital's ability to
2177 initiate an action against an individual patient or such patient's estate
2178 to collect coinsurance, deductibles or fees arising from care provided at

2179 a hospital where such coinsurance, deductibles or fees may be eligible
2180 for reimbursement through awards, settlements or judgments arising
2181 from claims, suits or proceedings. In addition, nothing in this section
2182 shall affect a hospital's ability to initiate an action against an individual
2183 patient or such patient's estate where payment or reimbursement has
2184 been made, or likely is to be made, directly to the patient.

2185 Sec. 89. Section 7 of public act 03-267 is repealed and the following is
2186 substituted in lieu thereof (*Effective from passage*):

2187 (a) A person is guilty of abuse in the first degree when such person
2188 intentionally commits abuse of an elderly, blind, disabled or mentally
2189 retarded person and causes serious physical injury to such elderly,
2190 blind, disabled or mentally retarded [, or disabled] person.

2191 (b) Abuse in the first degree is a class C felony.

2192 Sec. 90. Subsection (c) of section 4-67u of the general statutes, as
2193 amended by section 1 of public act 03-145, is repealed and the
2194 following is substituted in lieu thereof (*Effective from passage*):

2195 (c) The State Prevention Council shall determine long-term goals,
2196 strategies and outcome measures to promote the health and well-being
2197 of children and families. Such goals include, but are not limited to:
2198 Cost-effective, research-based, early intervention strategies; an increase
2199 in pregnant women and newborns who are healthy; a decrease in the
2200 rate of child neglect and abuse; an increase in children who are ready
2201 for school; an increase in children who succeed in school; a decrease in
2202 children who are unsupervised after school; an increase in [youth]
2203 youths who choose healthy behaviors and become successful working
2204 adults; a decrease in juvenile suicide; a decrease in juvenile crime; and
2205 an increase in access to health care and stable housing. The council
2206 shall design a plan for inter-agency and intra-agency implementation
2207 of such goals and strategies and shall submit such plan, in accordance
2208 with section 11-4a, to the Secretary of the Office of Policy and
2209 Management and the joint standing committee of the General
2210 Assembly having cognizance of matters relating to appropriations and

2211 the budgets of state agencies not later than January 1, 2004.

2212 Sec. 91. Section 7-174 of the general statutes is repealed and the
2213 following is substituted in lieu thereof (*Effective from passage*):

2214 Such chief of police or first selectman, as the case may be, shall, on
2215 behalf of the executive director of the Division of Special Revenue,
2216 make or cause to be made an investigation of the qualifications of the
2217 applicant and the facts stated in the application and, if [he] such chief
2218 of police or first selectman determines that the applicant is qualified to
2219 hold, operate and conduct a bazaar or raffle under the provisions of
2220 sections 7-170 to 7-186, inclusive, that the members of the applicant
2221 designated in the application to hold, operate or conduct such bazaar
2222 or raffle are electors of such municipality, bona fide active members of
2223 the applicant and persons of good moral character and have never
2224 been convicted of a felony and that such bazaar or raffle is to be held,
2225 operated and conducted in accordance with the provisions of said
2226 sections, [he] such chief of police or first selectman shall, with the
2227 approval of the executive director, issue a permit to such applicant.
2228 Upon issuing such permit, such chief of police or first selectman shall
2229 forward to the executive director the state's share of the permit fee, if
2230 any. Any investigation required pursuant to this section of the
2231 qualifications of an applicant for a "Class No. 7" permit, authorized
2232 pursuant to section [7-174] 7-175, shall be made by the executive
2233 director of the Division of Special Revenue.

2234 Sec. 92. Section 8-129 of the general statutes is repealed and the
2235 following is substituted in lieu thereof (*Effective from passage*):

2236 The redevelopment agency shall determine the compensation to be
2237 paid to the persons entitled thereto for such real property and shall file
2238 a statement of compensation, containing a description of the property
2239 to be taken and the names of all persons having a record interest
2240 therein and setting forth the amount of such compensation, and a
2241 deposit as provided in section 8-130, with the clerk of the superior
2242 court for the judicial district in which the property affected is located.
2243 Upon filing such statement of compensation and deposit, the

2244 redevelopment agency shall forthwith cause to be recorded, in the
2245 office of the town clerk of each town in which the property is located, a
2246 copy of such statement of compensation, such recording to have the
2247 same effect [as] and to be treated the same as the recording of a lis
2248 pendens, and shall forthwith give notice, as [hereinafter] provided in
2249 this section, to each person appearing of record as an owner of
2250 property affected thereby and to each person appearing of record as a
2251 holder of any mortgage, lien, assessment or other encumbrance on
2252 such property or interest therein (a) [.] in the case of any such person
2253 found to be residing within this state, by causing a copy of such notice,
2254 with a copy of such statement of compensation, to be served upon each
2255 such person by a state marshal, constable or [an] indifferent person, in
2256 the manner set forth in section 52-57, as amended, for the service of
2257 civil process, and (b) [.] in the case of any such person who is a
2258 nonresident of this state at the time of the filing of such statement of
2259 compensation and deposit or of any such person whose whereabouts
2260 or existence is unknown, by mailing to each such person a copy of such
2261 notice and of such statement of compensation, by registered or
2262 certified mail, directed to his last-known address, and by publishing
2263 such notice and such statement of compensation at least twice in a
2264 newspaper published in the judicial district and having daily or
2265 weekly circulation in the town in which such property is located. Any
2266 such published notice shall state that it is notice to the widow or
2267 widower, heirs, representatives and creditors of the person holding
2268 such record interest, if such person is dead. If, after a reasonably
2269 diligent search, no last-known address can be found for any interested
2270 party, an affidavit stating such fact, and reciting the steps taken to
2271 locate such address, shall be filed with the clerk of the superior court
2272 and accepted in lieu of mailing to the last-known address. Not less
2273 than twelve days [nor] or more than ninety days after such notice and
2274 such statement of compensation have been so served or so mailed and
2275 first published, the redevelopment agency shall file with the clerk of
2276 the superior court a return of notice setting forth the notice given and,
2277 upon receipt of such return of notice, such clerk shall, without any
2278 delay or continuance of any kind, issue a certificate of taking setting

2279 forth the fact of such taking, a description of all the property so taken
2280 and the names of the owners and of all other persons having a record
2281 interest therein. The redevelopment agency shall cause such certificate
2282 of taking to be recorded in the office of the town clerk of each town in
2283 which such property is located. Upon the recording of such certificate,
2284 title to such property in fee simple shall vest in the municipality, and
2285 the right to just compensation shall vest in the persons entitled thereto.
2286 At any time after such certificate of taking has been so recorded, the
2287 redevelopment agency may repair, operate or insure such property
2288 and enter upon such property, and take [whatever] any action that is
2289 proposed with regard to such property by the project area
2290 redevelopment plan. The notice referred to above shall state [(a)] that
2291 (1) not less than twelve days [nor] or more than ninety days after
2292 service or mailing and first publication thereof, the redevelopment
2293 agency shall file, with the clerk of the superior court [of] for the judicial
2294 district in which such property is located, a return setting forth the
2295 notice given, [(b) that] (2) upon receipt of such return, such clerk shall
2296 issue a certificate for recording in the office of the town clerk of each
2297 town in which such property is located, [(c) that] (3) upon the
2298 recording of such certificate, title to such property shall vest in the
2299 municipality, the right to just compensation shall vest in the persons
2300 entitled thereto and the redevelopment agency may repair, operate or
2301 insure such property and enter upon such property and take
2302 [whatever] any action that may be proposed with regard thereto by the
2303 project area redevelopment plan, and [(d) that] (4) such notice shall
2304 bind the widow or widower, heirs, representatives and creditors of
2305 each person named therein who then or thereafter may be dead. When
2306 any redevelopment agency acting [in] on behalf of any municipality
2307 has acquired or rented real property by purchase, lease, exchange or
2308 gift in accordance with the provisions of this section, or in exercising
2309 its right of eminent domain has filed a statement of compensation and
2310 deposit with the clerk of the superior court and has caused a certificate
2311 of taking to be recorded in the office of the town clerk of each town in
2312 which such property is located as [herein] provided in this section, any
2313 judge of such court may, upon application and proof of such

2314 acquisition or rental or such filing and deposit and such recording,
2315 order such clerk to issue an execution commanding a state marshal to
2316 put such municipality and the redevelopment agency, as its agent, into
2317 peaceable possession of the property so acquired, rented or
2318 condemned. The provisions of this section shall not be limited in any
2319 way by the provisions of chapter 832.

2320 Sec. 93. Section 8-132 of the general statutes is repealed and the
2321 following is substituted in lieu thereof (*Effective from passage*):

2322 (a) Any person claiming to be aggrieved by the statement of
2323 compensation filed by the redevelopment agency may, at any time
2324 within six months after the same has been filed, apply to the superior
2325 court for the judicial district in which such property is situated for a
2326 review of such statement of compensation so far as the same affects
2327 such applicant. The court, after causing notice of the pendency of such
2328 application to be given to [said] the redevelopment agency, may
2329 appoint a judge trial referee to make a review of the statement of
2330 compensation.

2331 (b) If the court appoints a judge trial referee, [such] the judge trial
2332 referee, after giving at least ten days' notice to the parties interested of
2333 the time and place of hearing, shall hear the applicant and [said] the
2334 redevelopment agency, shall view the property and take such
2335 testimony as [such] the judge trial referee deems material and shall
2336 thereupon revise such statement of compensation in such manner as
2337 [such] the judge trial referee deems proper and forthwith report to the
2338 court. Such report shall contain a detailed statement of findings by the
2339 judge trial referee, sufficient to enable the court to determine the
2340 considerations upon which the judge trial referee's conclusions are
2341 based. The report of the judge trial referee shall take into account any
2342 evidence relevant to the fair market value of the property, including
2343 evidence of environmental condition and required environmental
2344 remediation. The judge trial referee shall make a separate finding for
2345 remediation costs and the property owner shall be entitled to a [setoff]
2346 set-off of such costs in any pending or subsequent action to recover

2347 remediation costs for the property. The court shall review the report,
2348 and may reject it for any irregular or improper conduct in the
2349 performance of the duties of [such] the judge trial referee. If the report
2350 is rejected, the court may appoint another judge trial referee to make
2351 such review and report. If the report is accepted, its statement of
2352 compensation shall be conclusive upon such owner and the
2353 redevelopment agency.

2354 (c) If the court does not appoint a judge trial referee, the court, after
2355 giving at least ten days' notice to the parties interested of the time and
2356 place of hearing, shall hear the applicant and [said] the redevelopment
2357 agency and take such testimony as it deems material, may view the
2358 subject property, and shall make a finding regarding the statement of
2359 compensation. The findings of the court shall take into account any
2360 evidence relevant to the fair market value of the property, including
2361 evidence of environmental condition and required environmental
2362 remediation. The court shall make a separate finding for remediation
2363 costs and the property owner shall be entitled to a set-off of such costs
2364 in any pending or subsequent action to recover remediation costs for
2365 the property. The findings of the court shall be conclusive upon such
2366 owner and the redevelopment agency.

2367 (d) If no appeal to the Appellate Court is filed within the time
2368 allowed by law, or if [one] an appeal is filed and the proceedings have
2369 terminated in a final judgment finding the amount due the property
2370 owner, the clerk shall send a certified copy of the statement of
2371 compensation and of the judgment to the redevelopment agency,
2372 which shall, upon receipt thereof, pay such property owner the
2373 amount due as compensation. The pendency of any such application
2374 for review shall not prevent or delay [whatever] any action that is
2375 proposed with regard to such property by the project area
2376 redevelopment plan.

2377 Sec. 94. Subdivision (3) of section 20-417a of the general statutes, as
2378 amended by section 1 of public act 03-167 and section 146 of public act
2379 03-6 of the June 30 special session, is repealed and the following is

2380 substituted in lieu thereof (*Effective July 1, 2004*):

2381 (3) "Contract" means any agreement between a new home
2382 construction contractor and a consumer for the construction or sale of a
2383 new home or any portion of a new home prior to occupancy.

2384 Sec. 95. Section 26-40a of the general statutes, as amended by section
2385 2 of public act 03-192 and section 146 of public act 03-6 of the June 30
2386 special session, is repealed and the following is substituted in lieu
2387 thereof (*Effective July 1, 2004*):

2388 For the purposes of this section, the following wildlife, or any
2389 hybrid thereof, shall be considered as potentially dangerous animals:
2390 The felidae, including, but not limited to, the lion, leopard, cheetah,
2391 jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat; the canidae,
2392 including, but not limited to, the wolf and coyote; and the ursidae,
2393 including, but not limited to, the black bear, grizzly bear and brown
2394 bear. No person shall possess a potentially dangerous animal. Any
2395 such animal illegally possessed may be ordered seized and may be
2396 disposed of as determined by the Commissioner of Environmental
2397 Protection. The Department of Environmental Protection shall issue a
2398 bill to the owner or person in illegal possession of such potentially
2399 dangerous animal for all costs of [confiscation] seizure, care,
2400 maintenance and disposal of such animal. Additionally, any person
2401 who violates any provision of this section shall be assessed a civil
2402 penalty not to exceed one thousand dollars, to be fixed by the court, for
2403 each offense. Each violation shall be a separate and distinct offense and
2404 in the case of a continuing violation, each day's continuance thereof
2405 shall be deemed to be a separate and distinct offense. The
2406 Commissioner of Environmental Protection may request the Attorney
2407 General to institute an action in Superior Court to recover such penalty
2408 and any amounts owed pursuant to a bill issued in accordance with
2409 this section. The provisions of this section shall not apply to municipal
2410 parks, zoos and nature centers, or museums, laboratories and research
2411 facilities maintained by scientific or educational institutions; to a
2412 person possessing a Bengal cat certified by an internationally

2413 recognized multiple-cat domestic feline breeding association as being
2414 without wild parentage for a minimum of four prior generations
2415 which cat was registered with the Commissioner of Agriculture and
2416 Consumer Protection on or before October 1, 1996, provided no such
2417 cat may be imported into this state after June 6, 1996; or to persons
2418 possessing animals legally on or before May 23, 1983. In any action
2419 taken by any official of the state or any municipality to control rabies, a
2420 Bengal cat shall be considered not vaccinated for rabies in accordance
2421 with accepted veterinary practice.

2422 Sec. 96. Subsection (b) of section 27-189 of the general statutes is
2423 repealed and the following is substituted in lieu thereof (*Effective from*
2424 *passage*):

2425 (b) The fees of all witnesses so summoned and of the [deputy
2426 sheriffs] state marshals, constables or indifferent persons serving such
2427 subpoenas shall be the same as provided for in civil actions in the state,
2428 and shall be taxed by the president of the court-martial or by the
2429 summary court officer.

2430 Sec. 97. Section 45a-690 of the general statutes is repealed and the
2431 following is substituted in lieu thereof (*Effective from passage*):

2432 For the purposes of sections 45a-690 to 45a-700, inclusive:

2433 [(a)] (1) "Sterilization" means a surgical or other medical procedure,
2434 the purpose of which is to render an individual permanently incapable
2435 of procreating;

2436 [(b)] (2) "Informed consent" means consent that is [(1)] (A) based
2437 upon an understanding of the nature and consequences of sterilization,
2438 [; (2)] (B) given by a person competent to make such a decision, and
2439 [(3)] (C) wholly voluntary and free from coercion, express or implied;

2440 [(c)] (3) "Institution" means a state school or hospital or other
2441 residential facility operated or leased by the state of Connecticut; and

2442 [(d)] (4) "Best interest" shall include all of the following factors: [(1)]

2443 (A) Less drastic alternative contraceptive methods have proved
2444 unworkable or inapplicable, [(2)] (B) the individual is physiologically
2445 sexually mature, [(3)] (C) there is no evidence of infertility, [(4)] (D) the
2446 individual has the capability and a reasonable opportunity for sexual
2447 activity, [(5)] (E) the individual is unable to understand reproduction
2448 or contraception and there exists the likely permanence of that
2449 inability, [(6)] (F) the physical or emotional inability to care for the
2450 child, [(7)] (G) the proponents of the sterilization are seeking
2451 sterilization in good faith and their primary concern is for the best
2452 interests of the respondent rather than their own convenience or the
2453 convenience of the public, and [(8)] (H) in the case of females,
2454 procreation would endanger the life or severely impair the health of
2455 the individual.

2456 Sec. 98. Subsection (a) of section 2 of public act 03-251 is repealed
2457 and the following is substituted in lieu thereof (*Effective from passage*):

2458 (a) The advisory group for the Connecticut Juvenile Training School,
2459 established pursuant to subsection (b) of section 17a-6, as amended,
2460 and the Connecticut Juvenile Training School public safety committee,
2461 established pursuant to section 17a-27f, shall provide an on-going
2462 review of the Connecticut Juvenile Training School with
2463 recommendations for improvement or enhancement. The review shall
2464 include, but not be limited to:

2465 (1) The number, age, ethnicity and race of the residents placed at the
2466 training school, including the court locations that sentenced them, the
2467 number sentenced from each court location and the [offense] offenses
2468 for which [the child was] they were sentenced;

2469 (2) The percentage of [children] residents in need of substance abuse
2470 treatment and the programming interventions provided to assist
2471 residents;

2472 (3) A review of the program and policies of the facility;

2473 (4) The [educational/literacy] educational and literacy programs

2474 available to the residents, including the educational level of residents,
 2475 the number of residents requiring special education and related
 2476 services, including school attendance requirements, the number of
 2477 [children] residents who are educated in the alternative school and the
 2478 reasons for such education;

2479 (5) The vocational training programs available to the residents and
 2480 the actual number of residents enrolled in each training program,
 2481 including all vocational attendance requirements;

2482 (6) The delinquency recidivism rates of such residents, which [will]
 2483 shall include the number of children discharged to residential
 2484 placement, the number of children discharged due to expiration of the
 2485 period of commitment and the number of children returned to the
 2486 Connecticut Juvenile Training School;

2487 (7) The diagnosis of each [child] resident after intake assessment;

2488 (8) The costs associated with the operation of the training school,
 2489 including staffing costs and average cost per resident; and

2490 (9) Reintegration strategies and plans to transition the [children]
 2491 residents to their home communities.

2492 Sec. 99. Subsection (b) of section 3 of public act 03-251 is repealed
 2493 and the following is substituted in lieu thereof (*Effective from passage*):

2494 (b) Each report required pursuant to subsection (a) of this section
 2495 shall summarize the information and recommendations specified in
 2496 section 2 of [this act] public act 03-251 and shall also include such other
 2497 information that the Department of Children and Families has
 2498 identified [that requires] as requiring immediate legislative action.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>

Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
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Sec. 24	<i>from passage</i>
Sec. 25	<i>from passage</i>
Sec. 26	<i>from passage</i>
Sec. 27	<i>from passage</i>
Sec. 28	<i>from passage</i>
Sec. 29	<i>October 1, 2004</i>
Sec. 30	<i>from passage</i>
Sec. 31	<i>from passage</i>
Sec. 32	<i>from passage</i>
Sec. 33	<i>from passage</i>
Sec. 34	<i>from passage</i>
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Sec. 91	<i>from passage</i>
Sec. 92	<i>from passage</i>
Sec. 93	<i>from passage</i>
Sec. 94	<i>July 1, 2004</i>
Sec. 95	<i>July 1, 2004</i>
Sec. 96	<i>from passage</i>
Sec. 97	<i>from passage</i>
Sec. 98	<i>from passage</i>
Sec. 99	<i>from passage</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various technical changes that have no fiscal impact.

OLR Bill Analysis

sSB 604

**AN ACT CONCERNING THE REVISOR'S TECHNICAL
CORRECTIONS TO THE GENERAL STATUTES AND CERTAIN
PUBLIC ACTS****SUMMARY:**

This bill makes numerous technical changes to various statutes and public acts.

EFFECTIVE DATE: Upon passage, except the provisions dealing with new home construction contractors and possession of potentially dangerous animals become effective July 1, 2004, and the provision dealing with the Connecticut Siting Council and the Public Utility Environmental Act becomes effective October 1, 2004.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 0